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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. 112.3144,
5 F.S.; authorizing attorneys who file full and public
6 disclosures of their financial interests to indicate
7 that a client meets disclosure criteria without
8 providing further information relating to such client;
9 authorizing such attorneys to designate such clients
10 as "Legal Client" on such disclosures; amending s.
11 112.3145, F.S.; deleting obsolete language;
12 authorizing attorneys who file statements of financial
13 interests to indicate that a client meets disclosure
14 criteria without providing further information
15 relating to such client; authorizing such attorneys to
16 designate such clients as "Legal Client" on such
17 statements; amending s. 112.321, F.S.; prohibiting a
18 member of the Commission on Ethics from serving more
19 than two full terms, instead of two full terms in
20 succession; making technical changes; deleting
21 obsolete language; amending s. 112.317, F.S.;
22 providing that a complainant is liable for costs plus
23 reasonable attorney fees for filing a complaint with
24 malicious intent against a candidate for public
25 office; amending s. 112.324, F.S.; requiring that
26 allegations in written complaints submitted to the
27 commission be based upon personal knowledge or
28 information other than hearsay; specifying that a
29 certain number of members of the commission are not

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required to make a specified determination related to written referrals submitted to the commission by specified parties; requiring the commission to submit a copy of a certain referral to an alleged violator within a specified timeframe; requiring the commission to undertake a preliminary investigation within a specified timeframe after receipt of technically and legally sufficient complaints or referrals and make a certain determination; authorizing a complainant to submit an amended complaint within a specified timeframe; providing that the probable cause determination concludes the preliminary investigation; requiring the commission to complete a preliminary investigation, including a probable cause determination, within a specified timeframe; requiring the commission to complete an investigatory report within a specified timeframe; authorizing the commission to extend, for a specified period, the allowable timeframe to adequately complete a preliminary investigation if the commission determines such extension is necessary; requiring the commission to document the reasons for extending such investigation and transmit a copy of such documentation to the alleged violator and complainant within a specified timeframe; requiring the commission to transmit a copy of the completed report to an alleged violator and to the counsel representing the commission within a specified timeframe; defining the term "counsel"; requiring such counsel to make a

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59 written recommendation for disposition of a complaint
60 or referral within a specified timeframe after
61 receiving the investigatory report; requiring the
62 commission to transmit such recommendation to the
63 alleged violator within a specified timeframe;
64 providing that the alleged violator has a specified
65 timeframe to respond in writing to the counsel's
66 recommendation; requiring the commission, upon receipt
67 of the counsel's recommendation, to schedule a
68 probable cause hearing for the next executive session
69 of the commission for which notice requirements can be
70 met; providing that, under specified conditions, the
71 commission may dismiss complaints or referrals before
72 completion of a preliminary investigation; providing a
73 timeframe within which the commission must transmit a
74 copy of the order finding probable cause to the
75 complainant and the alleged violator after a finding
76 of probable cause; specifying that an alleged violator
77 is entitled to request a formal hearing before the
78 Division of Administrative Hearings or may select an
79 informal hearing with the commission; providing that
80 persons are deemed to waive their rights to a formal
81 or an informal hearing if the request is not received
82 within a specified timeframe; providing the timeframe
83 within which the commission must conduct an informal
84 hearing; requiring the commission to schedule a case
85 that has been relinquished from the Division of
86 Administrative Hearings for additional action at the
87 next commission meeting for which notice requirements

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88 can be met; requiring the commission to complete final
89 action on such case within a specified timeframe;
90 requiring a specified percentage of commission members
91 present at a meeting to vote to reject or deviate from
92 a stipulation or settlement recommended by the counsel
93 representing the commission; providing that specified
94 timeframes are tolled until the completion of a
95 related criminal investigation or prosecution,
96 excluding appeals, whichever occurs later; providing
97 that a harmless error standard applies to the
98 commission regarding specified timeframes; providing
99 applicability; amending s. 112.326, F.S.; providing
100 requirements for noncriminal complaint procedures if a
101 political subdivision or an agency adopts more
102 stringent standards of conduct and disclosure
103 requirements; providing that existing and future
104 ordinances and rules that are in conflict with
105 specified provisions are void; providing effective
106 dates.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. Paragraph (b) of subsection (4) of section
111 112.3122, Florida Statutes, is amended to read:

112 112.3122 Enforcement and penalties for constitutional
113 prohibition against lobbying by a public officer.—

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

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

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117 Section 2. Paragraph (c) of subsection (6) of section
118 112.3144, Florida Statutes, is amended to read:

119 112.3144 Full and public disclosure of financial
120 interests.—

121 (6)

122 (c)1. Each separate source and amount of income which
123 exceeds \$1,000 must be identified. For the purpose of a filer
124 reporting income, the commission shall accept federal income tax
125 returns. If a filer submits a federal income tax return for the
126 purpose of reporting income, he or she must also include all
127 attachments and schedules associated with such federal income
128 tax return.

129 2. If disclosure of identifying information regarding a
130 source of income or secondary sources of income will violate
131 confidentiality or privilege pursuant to law or rules governing
132 attorneys, a filer who is also an attorney may indicate that he
133 or she has a legal client who meets the disclosure criteria
134 without providing further information about the client. The
135 filer in such circumstance may write "Legal Client" in the
136 disclosure fields without providing further information.

137 Section 3. Subsection (3) of section 112.3145, Florida
138 Statutes, is amended to read:

139 112.3145 Disclosure of financial interests and clients
140 represented before agencies.—

141 (3) The statement of financial interests for state
142 officers, specified state employees, local officers, and persons
143 seeking to qualify as candidates for state or local office shall
144 be filed even if the reporting person holds no financial
145 interests requiring disclosure in a particular category, in

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146 which case that section of the statement shall be marked "not
147 applicable." Otherwise, the statement of financial interests
148 must include the information under paragraph (a) ~~or paragraph~~
149 ~~(b)~~. ~~The reporting person must indicate on the statement whether~~
150 ~~he or she is using the reporting method under paragraph (a) or~~
151 ~~paragraph (b). Beginning January 1, 2023, only the reporting~~
152 ~~method specified under paragraph (b) may be used.~~

153 (a) ~~1. All sources of income in excess of 5 percent of the~~
154 ~~gross income received during the disclosure period by the person~~
155 ~~in his or her own name or by any other person for his or her use~~
156 ~~or benefit, excluding public salary. However, this shall not be~~
157 ~~construed to require disclosure of a business partner's sources~~
158 ~~of income. The person reporting shall list such sources in~~
159 ~~descending order of value with the largest source first;~~

160 ~~2. All sources of income to a business entity in excess of~~
161 ~~10 percent of the gross income of a business entity in which the~~
162 ~~reporting person held a material interest and from which he or~~
163 ~~she received an amount which was in excess of 10 percent of his~~
164 ~~or her gross income during the disclosure period and which~~
165 ~~exceeds \$1,500. The period for computing the gross income of the~~
166 ~~business entity is the fiscal year of the business entity which~~
167 ~~ended on, or immediately prior to, the end of the disclosure~~
168 ~~period of the person reporting;~~

169 ~~3. The location or description of real property in this~~
170 ~~state, except for residences and vacation homes, owned directly~~
171 ~~or indirectly by the person reporting, when such person owns in~~
172 ~~excess of 5 percent of the value of such real property, and a~~
173 ~~general description of any intangible personal property worth in~~
174 ~~excess of 10 percent of such person's total assets. For the~~

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~~purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and~~

~~4. Every individual liability that equals more than the reporting person's net worth; or~~

~~(b)~~ 1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

(b) If disclosure of identifying information regarding a

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204 source of income or secondary sources of income will violate
205 confidentiality or privilege pursuant to law or rules governing
206 attorneys, a filer who is also an attorney may indicate that he
207 or she has a legal client who meets the disclosure criteria
208 without providing further information about the client. The
209 filer in such circumstance may write "Legal Client" in the
210 disclosure fields without providing further information.

211 Section 4. Subsection (1) of section 112.321, Florida
212 Statutes, is amended to read:

213 112.321 Membership, terms; travel expenses; staff.—

214 (1) The commission shall be composed of nine members. Five
215 of these members shall be appointed by the Governor, no more
216 than three of whom shall be from the same political party,
217 subject to confirmation by the Senate. One member appointed by
218 the Governor shall be a former city or county official and may
219 be a former member of a local planning or zoning board which has
220 only advisory duties. Two members shall be appointed by the
221 Speaker of the House of Representatives, and two members shall
222 be appointed by the President of the Senate. Neither the Speaker
223 of the House of Representatives nor the President of the Senate
224 shall appoint more than one member from the same political
225 party. Of the nine members of the Commission, no more than five
226 members shall be from the same political party at any one time.
227 A ~~No~~ member may not hold any public employment. An individual
228 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215
229 or pursuant to any local government charter or ordinance may not
230 serve as a member of the commission, ~~except that this~~
231 ~~prohibition does not apply to an individual who is a member of~~
232 ~~the commission on July 1, 2006, until the expiration of his or~~

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233 ~~her current term.~~ A member of the commission may not lobby any
234 state or local governmental entity as provided in s. 11.045 or
235 s. 112.3215 or as provided by any local government charter or
236 ordinance, ~~except that this prohibition does not apply to an~~
237 ~~individual who is a member of the commission on July 1, 2006,~~
238 ~~until the expiration of his or her current term.~~ All members
239 shall serve 2-year terms. A member may not serve more than two
240 full terms ~~in succession.~~ Any member of the commission may be
241 removed for cause by majority vote of the Governor, the
242 President of the Senate, the Speaker of the House of
243 Representatives, and the Chief Justice of the Supreme Court.

244 Section 5. Subsection (7) of section 112.317, Florida
245 Statutes, is amended to read:

246 112.317 Penalties.—

247 (7) In any case in which the commission determines that a
248 person has filed a complaint against a public officer or
249 employee or a candidate for public office with a malicious
250 intent to injure the reputation of such officer or employee or
251 candidate by filing the complaint with knowledge that the
252 complaint contains one or more false allegations or with
253 reckless disregard for whether the complaint contains false
254 allegations of fact material to a violation of this part, the
255 complainant shall be liable for costs plus reasonable attorney
256 fees incurred in the defense of the person complained against,
257 including the costs and reasonable attorney fees incurred in
258 proving entitlement to and the amount of costs and fees. If the
259 complainant fails to pay such costs and fees voluntarily within
260 30 days following such finding by the commission, the commission
261 shall forward such information to the Department of Legal

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Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 6. Subsection (1) of section 112.324, Florida Statutes, is amended to read:

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

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

(a) Upon a written complaint executed on a form prescribed by the commission which is based upon personal knowledge or information other than hearsay and signed under oath or affirmation by any person; or

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

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, a copy shall be transmitted to the alleged violator.

Section 7. Effective October 1, 2024, subsections (1) and (3) of section 112.324, Florida Statutes, as amended by this act, are amended to read:

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291 112.324 Procedures on complaints of violations and
292 referrals; public records and meeting exemptions.—

293 (1) The commission shall investigate an alleged violation
294 of this part or other alleged breach of the public trust within
295 the jurisdiction of the commission as provided in s. 8(f), Art.
296 II of the State Constitution:

297 (a) Upon a written complaint executed on a form prescribed
298 by the commission which is based upon personal knowledge or
299 information other than hearsay and signed under oath or
300 affirmation by any person; or

301 (b) Upon receipt of a written referral of a possible
302 violation of this part or other possible breach of the public
303 trust from the Governor, the Department of Law Enforcement, a
304 state attorney, or a United States Attorney ~~which at least six~~
305 ~~members of the commission determine is sufficient to indicate a~~
306 ~~violation of this part or any other breach of the public trust.~~

307
308 Within 5 days after receipt of a complaint or referral by the
309 commission ~~or a determination by at least six members of the~~
310 ~~commission that the referral received is deemed sufficient~~, a
311 copy must ~~shall~~ be transmitted to the alleged violator.

312 (3) (a) A preliminary investigation must ~~shall~~ be undertaken
313 by the commission within 30 days after its receipt of each
314 technically and legally sufficient complaint or referral over
315 which the commission has jurisdiction to determine whether there
316 is probable cause to believe that a violation has occurred. A
317 complainant may submit an amended complaint up to 60 days after
318 the commission receives the initial complaint. The probable
319 cause determination is the conclusion of the preliminary

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320 investigation. The commission shall complete the preliminary
321 investigation, including the probable cause determination, no
322 later than 1 year after the beginning of the preliminary
323 investigation.

324 (b) An investigatory report must be completed no later than
325 150 days after the beginning of the preliminary investigation.
326 If, at any one meeting of the commission held during a given
327 preliminary investigation, the commission determines that
328 additional time is necessary to adequately complete such
329 investigation, the commission may extend the timeframe to
330 complete the preliminary investigation by no more than 60 days.
331 During such meeting, the commission shall document its reasons
332 for extending the investigation and transmit a copy of such
333 documentation to the alleged violator and complainant no later
334 than 5 days after the extension is ordered. The investigatory
335 report must be transmitted to the alleged violator and to the
336 counsel representing the commission no later than 5 days after
337 completion of the report. As used in this section, the term
338 "counsel" means an assistant attorney general, or in the event
339 of a conflict of interest, an attorney not otherwise employed by
340 the commission. The counsel representing the commission shall
341 make a written recommendation to the commission for the
342 disposition of the complaint or referral no later than 15 days
343 after he or she receives the completed investigatory report. The
344 commission shall transmit the counsel's written recommendation
345 to the alleged violator no later than 5 days after its
346 completion. The alleged violator has 14 days after the mailing
347 date of the counsel's recommendation to respond in writing to
348 the recommendation.

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349 (c) Upon receipt of the counsel's recommendation, the
350 commission shall schedule a probable cause hearing for the next
351 executive session of the commission for which notice
352 requirements can be met.

353 ~~(d) If, upon completion of the preliminary investigation,~~
354 the commission finds no probable cause to believe that this part
355 has been violated, or that no ~~any~~ other breach of the public
356 trust has been committed, the commission must ~~shall~~ dismiss the
357 complaint or referral with the issuance of a public report to
358 the complainant and the alleged violator, stating with
359 particularity its reasons for dismissal. At that time, the
360 complaint or referral and all materials relating to the
361 complaint or referral ~~shall~~ become a matter of public record.

362 (e) If the commission finds from the preliminary
363 ~~investigation~~ probable cause to believe that this part has been
364 violated or that any other breach of the public trust has been
365 committed, it must transmit a copy of the order finding probable
366 cause to ~~shall so notify~~ the complainant and the alleged
367 violator in writing no later than 5 days after the date of the
368 probable cause determination. Such notification and all
369 documents made or received in the disposition of the complaint
370 or referral ~~shall then~~ become public records. Upon request
371 submitted to the commission in writing, any person who the
372 commission finds probable cause to believe has violated any
373 provision of this part or has committed any other breach of the
374 public trust is ~~shall be~~ entitled to a public hearing and may
375 elect to have a formal administrative hearing conducted by an
376 administrative law judge in the Division of Administrative
377 Hearings. If the person does not elect to have a formal

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378 administrative hearing by an administrative law judge, the
379 person is entitled to an informal hearing conducted before the
380 commission. Such person is ~~shall be~~ deemed to have waived the
381 right to a formal or an informal public hearing if the request
382 is not received within 14 days following the mailing date of the
383 probable cause notification required by this paragraph
384 ~~subsection.~~ However, the commission may, on its own motion,
385 require a public hearing.

386 (f) If the commission conducts an informal hearing, it must
387 be held no later than 75 days after the date of the probable
388 cause determination.

389 (g) If the commission refers a case to the Division of
390 Administrative Hearings for a formal hearing and subsequently
391 requests that the case be relinquished back to the commission,
392 or if the administrative law judge assigned to the case
393 relinquishes jurisdiction back to the commission before a
394 recommended order is entered, the commission must schedule the
395 case for additional action at the next commission meeting for
396 which notice requirements can be met. At the next subsequent
397 commission meeting, the commission must complete final action on
398 such case.

399 (h) The commission, ~~may conduct such further investigation~~
400 ~~as it deems necessary, and~~ may enter into such stipulations and
401 settlements as it finds to be just and in the best interest of
402 the state. At least two-thirds of the members of the commission
403 present at a meeting must vote to reject or deviate from a
404 stipulation or settlement that is recommended by the counsel
405 representing the commission. The commission is without
406 jurisdiction to, and no respondent may voluntarily or

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involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed only by the appropriate disciplinary authority as designated in this section.

(i) If a criminal complaint related to an investigation pursuant to this section is filed, the timeframes in this subsection are tolled until completion of the criminal investigation or prosecution, excluding any appeals from such prosecution, whichever occurs later.

(j) The failure of the commission to comply with the time limits provided in this subsection 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.

(k) The timeframes prescribed by this subsection apply to complaints or referrals submitted to the commission on or after October 1, 2024.

Section 8. Section 112.326, Florida Statutes, is amended to read:

112.326 Additional requirements by political subdivisions and agencies not prohibited; certain procedures preempted.—

(1) Except as provided in subsection (2), ~~Nothing in this part does not act shall~~ prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of

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conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

(2) If a political subdivision or an agency adopts by ordinance or rule additional or more stringent standards of conduct and disclosure requirements pursuant to subsection (1), any noncriminal complaint procedure must:

(a) Require a complaint to be written and signed under oath or affirmation by the person making the complaint.

(b) Require a complaint to be based upon personal knowledge or information other than hearsay.

(c) Prohibit the initiation of a complaint or investigation by the governing body of the political subdivision, agency, or any entity created to enforce the standards.

(d) Include a provision establishing a process for the recovery of costs and attorney fees for public officers, public employees, or candidates for public office against a person found by the governing body of the political subdivision, agency, or entity created to enforce the standards to have filed the complaint with a malicious intent to injure the reputation of such officer, employee, or candidate by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation.

(3) Any existing or future ordinance or rule adopted by a political subdivision or an agency which is in conflict with subsection (2) is void.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.