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CS/HB 7021, Engrossed 1

2019 Legislature

1
2 An act relating to financial disclosure; creating s.
3 112.31446, F.S.; providing definitions; requiring the
4 Commission on Ethics to procure and test an electronic
5 filing system by a certain date; providing
6 requirements for such system; providing duties of the
7 units of government, the commission, and persons
8 required to file a specified form; amending s.
9 112.312, F.S.; revising the definition of "disclosure
10 period"; amending ss. 112.3144 and 112.3145, F.S.;
11 requiring certain forms to be electronically filed;
12 prohibiting certain information from being included in
13 certain filings; providing that the commission is not
14 liable for the release of certain information;
15 requiring the commission to redact certain information
16 under certain circumstances; requiring the commission
17 to include certain information in the instructions for
18 electronic filing; requiring certain information be
19 delivered electronically; requiring the commission to
20 provide certain verification to a filer upon request;
21 requiring a declaration be submitted with a disclosure
22 or statement; specifying that certain actions do not
23 constitute an unusual circumstance; revising a
24 schedule to the State Constitution; amending s.
25 112.31455, F.S.; conforming cross-references to

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

26 | changes made by the act; providing effective dates.

27 |

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

29 |

30 | Section 1. Section 112.31446, Florida Statutes, is created
31 | to read:

32 | 112.31446 Electronic filing system for financial
33 | disclosure.-

34 | (1) As used in this section, the term:

35 | (a) "Disclosure of financial interests" or "disclosure"
36 | includes a full and public disclosure of financial interests and
37 | a final full and public disclosure of financial interests, and
38 | any amendments thereto.

39 | (b) "Electronic filing system" means an Internet-based
40 | system for receiving, reporting, and publishing disclosures of
41 | financial interests, statements of financial interests, or any
42 | other form that is required under s. 112.3144 or s. 112.3145.

43 | (c) "Statement of financial interests" or "statement"
44 | includes a statement of financial interests and a final
45 | statement of financial interests, and any amendments thereto.

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

49 | (a) Provide access through the Internet for the completion
50 | and submission of disclosures of financial interests, statements

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

51 of financial interests, or any other form that is required under
 52 s. 112.3144 or s. 112.3145.

53 (b) Make filings available in a searchable format that is
 54 accessible by an individual using standard Internet-browsing
 55 software.

56 (c) Issue a verification or receipt that the commission
 57 has received the submitted disclosure or statement.

58 (d) Provide security that prevents unauthorized access to
 59 the electronic filing system's functions or data.

60 (e) Provide a method for an attorney or a certified public
 61 accountant licensed in this state to complete the disclosure or
 62 statement and certify that he or she prepared the disclosure or
 63 statement in accordance with s. 112.3144 or s. 112.3145 and the
 64 instructions for completing the disclosure or statement, and
 65 that, upon his or her reasonable knowledge and belief, the
 66 information on the disclosure or statement is true and correct.

67 (3) Each unit of government shall provide an e-mail
 68 address to any of its officers, members, or employees who must
 69 file a disclosure of financial interests or a statement of
 70 financial interests, and provide such e-mail addresses to the
 71 commission by February 1 of each year. A person required to file
 72 a disclosure of financial interests or statement of financial
 73 interests must inform the commission immediately of any change
 74 in his or her e-mail address.

75 (4) The commission shall provide each person required to

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

76 | file a disclosure of financial interests or statement of
 77 | financial interests a secure log-in to the electronic filing
 78 | system. Such person is responsible for protecting his or her
 79 | secure log-in credentials from disclosure and is responsible for
 80 | all filings submitted to the commission with such credentials,
 81 | unless the person has notified the commission that his or her
 82 | credentials have been compromised.

83 | (5) If the electronic filing system is inoperable which
 84 | prevents timely submission of disclosures of financial interests
 85 | or statements of financial interests, as determined by the
 86 | commission chair, or if the Governor has declared a state of
 87 | emergency and a person required to submit a disclosure or
 88 | statement resides in an area included in the state of emergency
 89 | which prevents the submission of the disclosure or statement
 90 | electronically, the commission chair must extend the filing
 91 | deadline for submission of the disclosures or statements by the
 92 | same period of time for which the system was inoperable or by 90
 93 | days for persons who reside in an area included in a state of
 94 | emergency, whichever is applicable.

95 | Section 2. Effective January 1, 2020, subsection (10) of
 96 | section 112.312, Florida Statutes, is amended to read:

97 | 112.312 Definitions.—As used in this part and for purposes
 98 | of the provisions of s. 8, Art. II of the State Constitution,
 99 | unless the context otherwise requires:

100 | (10) "Disclosure period" means the calendar taxable year,

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

101 if disclosure is required for the entire year, or the portion of
 102 a calendar year ending with the last day of the period for which
 103 disclosure is required ~~for the person or business entity,~~
 104 ~~whether based on a calendar or fiscal year, immediately~~
 105 ~~preceding the date on which, or the last day of the period~~
 106 ~~during which, the financial disclosure statement required by~~
 107 ~~this part is required to be filed.~~

108 Section 3. Section 112.3144, Florida Statutes, is amended
 109 to read:

110 112.3144 Full and public disclosure of financial
 111 interests.—

112 (1) An officer who is required by s. 8, Art. II of the
 113 State Constitution to file a full and public disclosure of his
 114 or her financial interests for any calendar or fiscal year, or
 115 any other person required by law to file a disclosure under this
 116 section, shall file that disclosure with the Florida Commission
 117 on Ethics. Additionally, ~~beginning January 1, 2015,~~ an officer
 118 who is required to complete annual ethics training pursuant to
 119 s. 112.3142 must certify on his or her full and public
 120 disclosure of financial interests that he or she has completed
 121 the required training.

122 (2) Beginning January 1, 2022, all disclosures filed with
 123 the commission must be filed electronically through an
 124 electronic filing system that is created and maintained by the
 125 commission as provided in s. 112.31446.

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

126 (3) A person who is required, pursuant to s. 8, Art. II of
 127 the State Constitution, to file a full and public disclosure of
 128 financial interests and who has filed a full and public
 129 disclosure of financial interests for any calendar or fiscal
 130 year is not ~~shall not be~~ required to file a statement of
 131 financial interests pursuant to s. 112.3145(2) and (3) for the
 132 same year or for any part thereof notwithstanding any
 133 requirement of this part. Until the electronic filing system
 134 required by subsection (2) is implemented, if an incumbent in an
 135 elective office has filed the full and public disclosure of
 136 financial interests to qualify for election to the same office
 137 or if a candidate for office holds another office subject to the
 138 annual filing requirement, the qualifying officer shall forward
 139 an electronic copy of the full and public disclosure of
 140 financial interests to the commission no later than July 1. The
 141 electronic copy of the full and public disclosure of financial
 142 interests satisfies the annual disclosure requirement of this
 143 section. A candidate who does not qualify until after the annual
 144 full and public disclosure of financial interests has been filed
 145 pursuant to this section shall file a copy of his or her
 146 disclosure with the officer before whom he or she qualifies.

147 (4) ~~(3)~~ Beginning January 1, 2022, an incumbent in an
 148 elective office or a candidate holding another position subject
 149 to an annual filing requirement may submit a copy of the full
 150 and public disclosure of financial interests filed with the

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

151 commission, or a verification or receipt of the filing, with the
 152 officer before whom he or she qualifies. A candidate not subject
 153 to an annual filing requirement does not file with the
 154 commission, but may complete and print a full and public
 155 disclosure of financial interests to file with the officer
 156 before whom he or she qualifies.

157 (5) For purposes of full and public disclosure under s.
 158 8(a), Art. II of the State Constitution, the following items, if
 159 not held for investment purposes and if valued at over \$1,000 in
 160 the aggregate, may be reported in a lump sum and identified as
 161 "household goods and personal effects":

- 162 (a) Jewelry;
- 163 (b) Collections of stamps, guns, and numismatic
 164 properties;
- 165 (c) Art objects;
- 166 (d) Household equipment and furnishings;
- 167 (e) Clothing;
- 168 (f) Other household items; and
- 169 (g) Vehicles for personal use.

170 (6)~~(4)~~(a) With respect to reporting, ~~on forms prescribed~~
 171 ~~under this section,~~ assets valued in excess of \$1,000 which the
 172 reporting individual holds jointly with another person, the
 173 amount reported shall be based on the reporting individual's
 174 legal percentage of ownership in the property. However, assets
 175 that are held jointly, with right of survivorship, must be

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

176 reported at 100 percent of the value of the asset. For purposes
177 of this subsection, a reporting individual is deemed to own a
178 percentage of a partnership which is equal to the reporting
179 individual's interest in the capital or equity of the
180 partnership.

181 (b)1. With respect to reporting liabilities valued in
182 excess of \$1,000 ~~on forms prescribed under this section~~ for
183 which the reporting individual is jointly and severally liable,
184 the amount reported shall be based on the reporting individual's
185 percentage of liability rather than the total amount of the
186 liability. However, liability for a debt that is secured by
187 property owned by the reporting individual but that is held
188 jointly, with right of survivorship, must be reported at 100
189 percent of the total amount owed.

190 2. A separate section of the form shall be created to
191 provide for the reporting of the amounts of joint and several
192 liability of the reporting individual not otherwise reported in
193 subparagraph 1.

194 (c) Each separate source and amount of income which
195 exceeds \$1,000 must be identified. Beginning January 1, 2022, a
196 federal income tax return may not be used for purposes of
197 reporting income, and the commission may not accept a federal
198 income tax return or a copy thereof.

199 (7) (a) Beginning January 1, 2022, a filer may not include
200 in a filing to the commission a federal income tax return or a

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

201 copy thereof; a social security number; a bank, mortgage, or
 202 brokerage account number; a debit, charge, or credit card
 203 number; a personal identification number; a taxpayer
 204 identification number. If a filer includes such information in
 205 his or her filing, the information may be made available as part
 206 of the official records of the commission available for public
 207 inspection and copying unless redaction is requested by the
 208 filer. The commission is not liable for the release of social
 209 security numbers or bank account, debit, charge, or credit card
 210 numbers included in a filing to the commission if the filer has
 211 not requested redaction of such information.

212 (b) The commission shall redact a filer's social security
 213 number; bank account number; debit, charge, or credit card
 214 number; or any other personal or account information that is
 215 legally protected from disclosure under state or federal law
 216 upon written notification from the filer of its inadvertent
 217 inclusion. Such notice must specify the information
 218 inadvertently included and the specific section or sections of
 219 the disclosure in which it was included.

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

223 1. Any filer submitting information through the electronic
 224 filing system may not include a federal income tax return or a
 225 copy thereof; a social security number; a bank, mortgage, or

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

226 brokerage account number; a debit, charge, or credit card
 227 number; a personal identification number; or a taxpayer
 228 identification number in any filing unless required by law.

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

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

238 (8) ~~(5)~~ Forms or fields of information for compliance with
 239 the full and public disclosure requirements of s. 8, Art. II of
 240 the State Constitution shall be prescribed ~~created~~ by the
 241 commission ~~on Ethics~~. The commission shall give notice of
 242 disclosure deadlines and delinquencies and distribute forms in
 243 the following manner:

244 (a) Not later than May 1 of each year, the commission
 245 shall prepare a current list of the names, e-mail addresses, and
 246 physical addresses of and the offices held by every person
 247 required to file full and public disclosure annually by s. 8,
 248 Art. II of the State Constitution, or other state law. ~~In~~
 249 ~~compiling the list, the commission shall be assisted by~~ Each
 250 unit of government shall assist the commission in compiling the

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

251 list by ~~in~~ providing to the commission not later than February 1
 252 of each year at the request of the commission the name, e-mail
 253 address, physical address, and name of the office held by such
 254 person ~~each public official~~ within the respective unit of
 255 government as of December 31 of the preceding year.

256 (b) Not later than June 1 ~~30 days before July 1~~ of each
 257 year, the commission shall distribute ~~mail~~ a copy of the form
 258 prescribed for compliance with full and public disclosure and a
 259 notice of the filing deadline to each person on the ~~mailing~~
 260 list. Beginning January 1, 2022, no paper forms will be
 261 provided. The notice required under this paragraph and
 262 instructions for electronic submission must be delivered by e-
 263 mail.

264 (c) Not later than August 1 ~~30 days after July 1~~ of each
 265 year, the commission shall determine which persons on the
 266 ~~mailing~~ list have failed to file full and public disclosure and
 267 shall send delinquency notices ~~by certified mail~~ to such
 268 persons. Each notice must ~~shall~~ state that a grace period is in
 269 effect until September 1 of the current year. Beginning January
 270 1, 2022, the notice required under this paragraph must be
 271 delivered by e-mail and must be redelivered on a weekly basis by
 272 e-mail as long as a person remains delinquent.

273 (d) Disclosures ~~Statements~~ must be received by the
 274 commission ~~filed~~ not later than 5 p.m. of the due date. However,
 275 any disclosure ~~statement~~ that is postmarked by the United States

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

276 | Postal Service by midnight of the due date is deemed to have
277 | been filed in a timely manner, and a certificate of mailing
278 | obtained from and dated by the United States Postal Service at
279 | the time of the mailing, or a receipt from an established
280 | courier company which bears a date on or before the due date,
281 | constitutes proof of mailing in a timely manner. Beginning
282 | January 1, 2022, upon request of the filer, the commission must
283 | provide verification to the filer that the commission has
284 | received the filed disclosure.

285 | (e) Beginning January 1, 2022, a written declaration, as
286 | provided for under s. 92.525(2), accompanied by an electronic
287 | signature satisfies the requirement that the disclosure be
288 | sworn.

289 | (f) Any person who is required to file full and public
290 | disclosure of financial interests and whose name is on the
291 | commission's ~~mailing~~ list, and to whom notice has been sent, but
292 | who fails to timely file is assessed a fine of \$25 per day for
293 | each day late up to a maximum of \$1,500; however this \$1,500
294 | limitation on automatic fines does not limit the civil penalty
295 | that may be imposed if the statement is filed more than 60 days
296 | after the deadline and a complaint is filed, as provided in s.
297 | 112.324. The commission must provide by rule the grounds for
298 | waiving the fine and the procedures by which each person whose
299 | name is on the ~~mailing~~ list and who is determined to have not
300 | filed in a timely manner will be notified of assessed fines and

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

301 | may appeal. The rule must provide for and make specific the
302 | following:

303 | 1. The amount of the fine due is based upon the earliest
304 | of the following:

305 | a. When a statement is actually received by the office.

306 | b. When the statement is postmarked.

307 | c. When the certificate of mailing is dated.

308 | d. When the receipt from an established courier company is
309 | dated.

310 | 2. Upon receipt of the disclosure statement or upon
311 | accrual of the maximum penalty, whichever occurs first, the
312 | commission shall determine the amount of the fine which is due
313 | and shall notify the delinquent person. The notice must include
314 | an explanation of the appeal procedure under subparagraph 3.
315 | Such fine must be paid within 30 days after the notice of
316 | payment due is transmitted, unless appeal is made to the
317 | commission pursuant to subparagraph 3. The moneys shall be
318 | deposited into the General Revenue Fund.

319 | 3. Any reporting person may appeal or dispute a fine,
320 | based upon unusual circumstances surrounding the failure to file
321 | on the designated due date, and may request and is entitled to a
322 | hearing before the commission, which may waive the fine in whole
323 | or in part for good cause shown. Any such request must be in
324 | writing and received by the commission ~~made~~ within 30 days after
325 | the notice of payment due is transmitted. In such a case, the

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

326 reporting person must, within the 30-day period, notify the
327 person designated to review the timeliness of reports in writing
328 of his or her intention to bring the matter before the
329 commission. For purposes of this subparagraph, "unusual
330 circumstances" does not include the failure to monitor an e-mail
331 account or failure to receive notice if the person has not
332 notified the commission of a change in his or her e-mail
333 address.

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

342 (h)~~(g)~~ The notification requirements and fines of this
343 subsection do not apply to candidates or to the first filing
344 required of any person appointed to elective constitutional
345 office or other position required to file full and public
346 disclosure, unless the person's name is on the commission's
347 notification list and the person received notification from the
348 commission. The appointing official shall notify such newly
349 appointed person of the obligation to file full and public
350 disclosure by July 1. The notification requirements and fines of

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

351 | this subsection do not apply to the final filing provided for in
352 | subsection (10)~~(7)~~.

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

362 | (9)~~(6)~~ If a person holding public office or public
363 | employment fails or refuses to file a full and public disclosure
364 | of financial interests for any year in which the person received
365 | notice from the commission regarding the failure to file and has
366 | accrued the maximum automatic fine authorized under this
367 | section, regardless of whether the fine imposed was paid or
368 | collected, the commission shall initiate an investigation and
369 | conduct a public hearing without receipt of a complaint to
370 | determine whether the person's failure to file is willful. Such
371 | investigation and hearing must be conducted in accordance with
372 | s. 112.324. Except as provided in s. 112.324(4), if the
373 | commission determines that the person willfully failed to file a
374 | full and public disclosure of financial interests, the
375 | commission shall enter an order recommending that the officer or

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

376 | employee be removed from his or her public office or public
 377 | employment. The commission shall forward its recommendations as
 378 | provided in s. 112.324.

379 | ~~(10)-(7)~~ Each person required to file full and public
 380 | disclosure of financial interests shall file a final disclosure
 381 | statement within 60 days after leaving his or her public
 382 | position for the period between January 1 of the year in which
 383 | the person leaves and the last day of office or employment,
 384 | unless within the 60-day period the person takes another public
 385 | position requiring financial disclosure under s. 8, Art. II of
 386 | the State Constitution, or is otherwise required to file full
 387 | and public disclosure for the final disclosure period. The head
 388 | of the agency of each person required to file full and public
 389 | disclosure for the final disclosure period shall notify such
 390 | persons of their obligation to file the final disclosure and may
 391 | designate a person to be responsible for the notification
 392 | requirements of this subsection.

393 | ~~(11)-(8)~~(a) The commission shall treat an amendment to a
 394 | ~~amended~~ full and public disclosure of financial interests which
 395 | is filed before September 1 of the year in which the disclosure
 396 | is due as part of the original filing, regardless of whether a
 397 | complaint has been filed. If a complaint alleges only an
 398 | immaterial, inconsequential, or de minimis error or omission,
 399 | the commission may not take any action on the complaint other
 400 | than notifying the filer of the complaint. The filer must be

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

401 given 30 days to file an amendment to the ~~amended~~ full and
 402 public disclosure of financial interests correcting any errors.
 403 If the filer does not file an amendment to the ~~amended~~ full and
 404 public disclosure of financial interests within 30 days after
 405 the commission sends notice of the complaint, the commission may
 406 continue with proceedings pursuant to s. 112.324.

407 (b) For purposes of the final full and public disclosure
 408 of financial interests, the commission shall treat an amendment
 409 to a new final full and public disclosure of financial interests
 410 as part of the original filing if filed within 60 days after the
 411 original filing, regardless of whether a complaint has been
 412 filed. If, more than 60 days after a final full and public
 413 disclosure of financial interests is filed, a complaint is filed
 414 alleging a complete omission of any information required to be
 415 disclosed by this section, the commission may immediately follow
 416 the complaint procedures in s. 112.324. However, if the
 417 complaint alleges an immaterial, inconsequential, or de minimis
 418 error or omission, the commission may not take any action on the
 419 complaint, other than notifying the filer of the complaint. The
 420 filer must be given 30 days to file an amendment to the ~~a~~ new
 421 final full and public disclosure of financial interests
 422 correcting any errors. If the filer does not file an amendment
 423 to the ~~a~~ new final full and public disclosure of financial
 424 interests within 30 days after the commission sends notice of
 425 the complaint, the commission may continue with proceedings

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

426 | pursuant to s. 112.324.

427 | (c) For purposes of this section, an error or omission is
428 | immaterial, inconsequential, or de minimis if the original
429 | filing provided sufficient information for the public to
430 | identify potential conflicts of interest. However, failure to
431 | certify completion of annual ethics training required under s.
432 | 112.3142 does not constitute an immaterial, inconsequential, or
433 | de minimis error or omission.

434 | (12)~~(9)~~ (a) An individual required to file a disclosure
435 | pursuant to this section may have the disclosure prepared by an
436 | attorney in good standing with The Florida Bar or by a certified
437 | public accountant licensed under chapter 473. After preparing a
438 | disclosure form, the attorney or certified public accountant
439 | must sign the form indicating that he or she prepared the form
440 | in accordance with this section and the instructions for
441 | completing and filing the disclosure forms and that, upon his or
442 | her reasonable knowledge and belief, the disclosure is true and
443 | correct. If a complaint is filed alleging a failure to disclose
444 | information required by this section, the commission shall
445 | determine whether the information was disclosed to the attorney
446 | or certified public accountant. The failure of the attorney or
447 | certified public accountant to accurately transcribe information
448 | provided by the individual required to file is not a violation
449 | of this section.

450 | (b) An elected officer or candidate who chooses to use an

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

451 attorney or a certified public accountant to prepare his or her
 452 disclosure may pay for the services of the attorney or certified
 453 public accountant from funds in an office account created
 454 pursuant to s. 106.141 or, during a year that the individual
 455 qualifies for election to public office, the candidate's
 456 campaign depository pursuant to s. 106.021.

457 (13)~~(10)~~ The commission shall adopt rules and forms
 458 specifying how a person who is required to file full and public
 459 disclosure of financial interests may amend his or her
 460 disclosure statement to report information that was not included
 461 on the form as originally filed. If the amendment is the subject
 462 of a complaint filed under this part, the commission and the
 463 proper disciplinary official or body shall consider as a
 464 mitigating factor when considering appropriate disciplinary
 465 action the fact that the amendment was filed before any
 466 complaint or other inquiry or proceeding, while recognizing that
 467 the public was deprived of access to information to which it was
 468 entitled.

469 (14) The provisions of this section constitute a revision
 470 to the schedule included in s. 8(i), Art. II of the State
 471 Constitution.

472 Section 4. Section 112.3145, Florida Statutes, is amended
 473 to read:

474 112.3145 Disclosure of financial interests and clients
 475 represented before agencies.—

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

476 (1) For purposes of this section, unless the context
 477 otherwise requires, the term:
 478 (a) "Local officer" means:
 479 1. Every person who is elected to office in any political
 480 subdivision of the state, and every person who is appointed to
 481 fill a vacancy for an unexpired term in such an elective office.
 482 2. Any appointed member of any of the following boards,
 483 councils, commissions, authorities, or other bodies of any
 484 county, municipality, school district, independent special
 485 district, or other political subdivision of the state:
 486 a. The governing body of the political subdivision, if
 487 appointed;
 488 b. A community college or junior college district board of
 489 trustees;
 490 c. A board having the power to enforce local code
 491 provisions;
 492 d. A planning or zoning board, board of adjustment, board
 493 of appeals, community redevelopment agency board, or other board
 494 having the power to recommend, create, or modify land planning
 495 or zoning within the political subdivision, except for citizen
 496 advisory committees, technical coordinating committees, and such
 497 other groups who only have the power to make recommendations to
 498 planning or zoning boards;
 499 e. A pension board or retirement board having the power to
 500 invest pension or retirement funds or the power to make a

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

501 binding determination of one's entitlement to or amount of a
 502 pension or other retirement benefit; or

503 f. Any other appointed member of a local government board
 504 who is required to file a statement of financial interests by
 505 the appointing authority or the enabling legislation, ordinance,
 506 or resolution creating the board.

507 3. Any person holding one or more of the following
 508 positions: mayor; county or city manager; chief administrative
 509 employee of a county, municipality, or other political
 510 subdivision; county or municipal attorney; finance director of a
 511 county, municipality, or other political subdivision; chief
 512 county or municipal building code inspector; county or municipal
 513 water resources coordinator; county or municipal pollution
 514 control director; county or municipal environmental control
 515 director; county or municipal administrator, with power to grant
 516 or deny a land development permit; chief of police; fire chief;
 517 municipal clerk; district school superintendent; community
 518 college president; district medical examiner; or purchasing
 519 agent having the authority to make any purchase exceeding the
 520 threshold amount provided for in s. 287.017 for CATEGORY TWO
 521 ~~ONE~~, on behalf of any political subdivision of the state or any
 522 entity thereof.

523 (b) "Specified state employee" means:

524 1. Public counsel created by chapter 350, an assistant
 525 state attorney, an assistant public defender, a criminal

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

526 conflict and civil regional counsel, an assistant criminal
 527 conflict and civil regional counsel, a full-time state employee
 528 who serves as counsel or assistant counsel to any state agency,
 529 ~~the Deputy Chief Judge of Compensation Claims, a judge of~~
 530 ~~compensation claims,~~ an administrative law judge, or a hearing
 531 officer.

532 2. Any person employed in the office of the Governor or in
 533 the office of any member of the Cabinet if that person is exempt
 534 from the Career Service System, except persons employed in
 535 clerical, secretarial, or similar positions.

536 3. The State Surgeon General or each appointed secretary,
 537 assistant secretary, deputy secretary, executive director,
 538 assistant executive director, or deputy executive director of
 539 each state department, commission, board, or council; unless
 540 otherwise provided, the division director, assistant division
 541 director, deputy director, and bureau chief, ~~and assistant~~
 542 ~~bureau chief~~ of any state department or division; or any person
 543 having the power normally conferred upon such persons, by
 544 whatever title.

545 4. The superintendent or institute director of a state
 546 mental health institute established for training and research in
 547 the mental health field or the warden or director of any major
 548 state institution or facility established for corrections,
 549 training, treatment, or rehabilitation.

550 5. Business managers, purchasing agents having the power

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CS/HB 7021, Engrossed 1

2019 Legislature

551 to make any purchase exceeding the threshold amount provided for
 552 in s. 287.017 for CATEGORY TWO ~~ONE~~, finance and accounting
 553 directors, personnel officers, or grants coordinators for any
 554 state agency.

555 6. Any person, other than a legislative assistant exempted
 556 by the presiding officer of the house by which the legislative
 557 assistant is employed, who is employed in the legislative branch
 558 of government, except persons employed in maintenance, clerical,
 559 secretarial, or similar positions.

560 7. Each employee of the Commission on Ethics.

561 (c) "State officer" means:

562 1. Any elected public officer, excluding those elected to
 563 the United States Senate and House of Representatives, not
 564 covered elsewhere in this part and any person who is appointed
 565 to fill a vacancy for an unexpired term in such an elective
 566 office.

567 2. An appointed member of each board, commission,
 568 authority, or council having statewide jurisdiction, excluding a
 569 member of an advisory body.

570 3. A member of the Board of Governors of the State
 571 University System or a state university board of trustees, the
 572 Chancellor and Vice Chancellors of the State University System,
 573 and the president of a state university.

574 4. A member of the judicial nominating commission for any
 575 district court of appeal or any judicial circuit.

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CS/HB 7021, Engrossed 1

2019 Legislature

576 (2) (a) A person seeking nomination or election to a state
577 or local elective office shall file a statement of financial
578 interests together with, and at the same time he or she files,
579 qualifying papers. When a candidate has qualified for office
580 prior to the deadline to file an annual statement of financial
581 interests, the statement of financial interests that is filed
582 with the candidate's qualifying papers shall be deemed to
583 satisfy the annual disclosure requirement of this section. The
584 qualifying officer must record that the statement of financial
585 interests was timely filed. However, if a candidate does not
586 qualify until after the annual statement of financial interests
587 has been filed, the candidate may file a copy of his or her
588 statement with the qualifying officer.

589 (b) Each state or local officer and each specified state
590 employee shall file a statement of financial interests no later
591 than July 1 of each year. Each state officer, local officer, and
592 specified state employee shall file a final statement of
593 financial interests within 60 days after leaving his or her
594 public position for the period between January 1 of the year in
595 which the person leaves and the last day of office or
596 employment, unless within the 60-day period the person takes
597 another public position requiring financial disclosure under
598 this section or s. 8, Art. II of the State Constitution or
599 otherwise is required to file full and public disclosure or a
600 statement of financial interests for the final disclosure

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

601 period. Each state or local officer who is appointed and each
602 specified state employee who is employed shall file a statement
603 of financial interests within 30 days from the date of
604 appointment or, in the case of a specified state employee, from
605 the date on which the employment begins, except that any person
606 whose appointment is subject to confirmation by the Senate shall
607 file prior to confirmation hearings or within 30 days from the
608 date of appointment, whichever comes first.

609 (c) Beginning January 1, 2023, an incumbent in an elective
610 office or a candidate holding another position subject to an
611 annual filing requirement may submit a copy of the statement of
612 financial interests filed with the commission, or a verification
613 or receipt of the filing, with the officer before whom he or she
614 qualifies. A candidate not subject to an annual filing
615 requirement does not file with the commission, but may complete
616 and print a statement of financial interests to file with the
617 officer before whom he or she qualifies.

618 (d) State officers and specified state employees shall
619 file their statements of financial interests with the commission
620 ~~on Ethics~~. Local officers shall file their statements of
621 financial interests with the supervisor of elections of the
622 county in which they permanently reside. Local officers who do
623 not permanently reside in any county in the state shall file
624 their statements of financial interests with the supervisor of
625 elections of the county in which their agency maintains its

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CS/HB 7021, Engrossed 1

2019 Legislature

626 headquarters. Persons seeking to qualify as candidates for local
 627 public office shall file their statements of financial interests
 628 with the officer before whom they qualify.

629 (e) Beginning January 1, 2023, all statements filed with
 630 the commission must be filed electronically through an
 631 electronic filing system that is created and maintained by the
 632 commission as provided in s. 112.31446.

633 (3) The statement of financial interests for state
 634 officers, specified state employees, local officers, and persons
 635 seeking to qualify as candidates for state or local office shall
 636 be filed even if the reporting person holds no financial
 637 interests requiring disclosure in a particular category, in
 638 which case that section of the statement shall be marked "not
 639 applicable." Otherwise, the statement of financial interests
 640 must shall include the information under paragraph (a) or
 641 paragraph (b). The reporting person must indicate on the
 642 statement whether he or she is using the reporting method under
 643 paragraph (a) or paragraph (b). Beginning January 1, 2023, only
 644 the reporting method specified under paragraph (b) may be used.
 645 ~~at the filer's option, either:~~

646 (a)1. All sources of income in excess of 5 percent of the
 647 gross income received during the disclosure period by the person
 648 in his or her own name or by any other person for his or her use
 649 or benefit, excluding public salary. However, this shall not be
 650 construed to require disclosure of a business partner's sources

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

651 of income. The person reporting shall list such sources in
652 descending order of value with the largest source first;

653 2. All sources of income to a business entity in excess of
654 10 percent of the gross income of a business entity in which the
655 reporting person held a material interest and from which he or
656 she received an amount which was in excess of 10 percent of his
657 or her gross income during the disclosure period and which
658 exceeds \$1,500. The period for computing the gross income of the
659 business entity is the fiscal year of the business entity which
660 ended on, or immediately prior to, the end of the disclosure
661 period of the person reporting;

662 3. The location or description of real property in this
663 state, except for residences and vacation homes, owned directly
664 or indirectly by the person reporting, when such person owns in
665 excess of 5 percent of the value of such real property, and a
666 general description of any intangible personal property worth in
667 excess of 10 percent of such person's total assets. For the
668 purposes of this paragraph, indirect ownership does not include
669 ownership by a spouse or minor child; and

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

672 (b)1. All sources of gross income in excess of \$2,500
673 received during the disclosure period by the person in his or
674 her own name or by any other person for his or her use or
675 benefit, excluding public salary. However, this shall not be

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

676 construed to require disclosure of a business partner's sources
677 of income. The person reporting shall list such sources in
678 descending order of value with the largest source first;

679 2. All sources of income to a business entity in excess of
680 10 percent of the gross income of a business entity in which the
681 reporting person held a material interest and from which he or
682 she received gross income exceeding \$5,000 during the disclosure
683 period. The period for computing the gross income of the
684 business entity is the fiscal year of the business entity which
685 ended on, or immediately prior to, the end of the disclosure
686 period of the person reporting;

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

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

696
697 ~~A person filing a statement of financial interests shall~~
698 ~~indicate on the statement whether he or she is using the method~~
699 ~~specified in paragraph (a) or paragraph (b).~~

700 (4) (a) Beginning January 1, 2023, a filer may not include

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CS/HB 7021, Engrossed 1

2019 Legislature

701 in a filing to the commission a federal income tax return or a
702 copy of thereof; a social security number; a bank, mortgage, or
703 brokerage account number; a debit, charge, or credit card
704 number; a personal identification number; a taxpayer
705 identification number. If a filer includes such information in
706 his or her filing, the information may be made available as part
707 of the official records of the commission available for public
708 inspection and copying unless redaction is requested by the
709 filer. The commission is not liable for the release of social
710 security numbers, bank account numbers, or debit, charge, or
711 credit card numbers included in a filing to the commission if
712 the filer has not requested redaction of the information.

713 (b) The commission shall redact a filer's social security
714 number; bank account number; debit, charge, or credit card
715 number; or any other personal or account information that is
716 legally protected from disclosure under state or federal law
717 upon written notification from the filer of its inadvertent
718 inclusion. Such notice must specify the information
719 inadvertently included and the specific section or sections of
720 the statement in which it was included.

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

724 1. Any filer submitting information through the electronic
725 filing system may not include a federal income tax return or a

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CS/HB 7021, Engrossed 1

2019 Legislature

726 copy thereof; a social security number; a bank, mortgage, or
 727 brokerage account number; a debit, charge, or credit card
 728 number; a personal identification number; or a taxpayer
 729 identification number in any filing unless required by law.

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

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

739 (5) Beginning January 1, 2015, An officer who is required
 740 to complete annual ethics training pursuant to s. 112.3142 must
 741 certify on his or her statement of financial interests that he
 742 or she has completed the required training.

743 (6)(5) Each elected constitutional officer, state officer,
 744 local officer, and specified state employee shall file a
 745 quarterly report of the names of clients represented for a fee
 746 or commission, except for appearances in ministerial matters,
 747 before agencies at his or her level of government. For the
 748 purposes of this part, agencies of government shall be
 749 classified as state-level agencies or agencies below state
 750 level. Each local officer shall file such report with the

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CS/HB 7021, Engrossed 1

2019 Legislature

751 supervisor of elections of the county in which the officer is
 752 principally employed or is a resident. Each state officer,
 753 elected constitutional officer, and specified state employee
 754 shall file such report with the commission. The report shall be
 755 filed only when a reportable representation is made during the
 756 calendar quarter and shall be filed no later than the last day
 757 of each calendar quarter, for the previous calendar quarter.
 758 Representation before any agency shall be deemed to include
 759 representation by such officer or specified state employee or by
 760 any partner or associate of the professional firm of which he or
 761 she is a member and of which he or she has actual knowledge. For
 762 the purposes of this subsection, the term "representation before
 763 any agency" does not include appearances before any court or the
 764 Deputy Chief Judge of Compensation Claims or judges of
 765 compensation claims or representations on behalf of one's agency
 766 in one's official capacity. Such term does not include the
 767 preparation and filing of forms and applications merely for the
 768 purpose of obtaining or transferring a license based on a quota
 769 or a franchise of such agency or a license or operation permit
 770 to engage in a profession, business, or occupation, so long as
 771 the issuance or granting of such license, permit, or transfer
 772 does not require substantial discretion, a variance, a special
 773 consideration, or a certificate of public convenience and
 774 necessity.

775 (7)~~(6)~~ Each elected constitutional officer and each

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

776 candidate for such office, any other public officer required
 777 pursuant to s. 8, Art. II of the State Constitution to file a
 778 full and public disclosure of his or her financial interests,
 779 and each state officer, local officer, specified state employee,
 780 and candidate for elective public office who is or was during
 781 the disclosure period an officer, director, partner, proprietor,
 782 or agent, other than a resident agent solely for service of
 783 process, of, or owns or owned during the disclosure period a
 784 material interest in, any business entity which is granted a
 785 privilege to operate in this state shall disclose such facts as
 786 a part of the disclosure form filed pursuant to s. 8, Art. II of
 787 the State Constitution or this section, as applicable. The
 788 statement shall give the name, address, and principal business
 789 activity of the business entity and shall state the position
 790 held with such business entity or the fact that a material
 791 interest is owned and the nature of that interest.

792 (8)~~(7)~~ Forms for compliance with the disclosure
 793 requirements of this section and a current list of persons
 794 subject to disclosure shall be created by the commission and
 795 provided to each supervisor of elections. The commission and
 796 each supervisor of elections shall give notice of disclosure
 797 deadlines and delinquencies and distribute forms in the
 798 following manner:

799 (a)1. Not later than May 1 of each year, the commission
 800 shall prepare a current list of the names, e-mail addresses, and

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CS/HB 7021, Engrossed 1

2019 Legislature

801 physical addresses of, and the offices or positions held by,
 802 every state officer, local officer, and specified employee. ~~In~~
 803 ~~compiling the list, the commission shall be assisted by~~ Each
 804 unit of government shall assist the commission in compiling the
 805 list by ~~in~~ providing to the commission not later than February 1
 806 of each year, ~~at the request of the commission,~~ the name, e-mail
 807 address, physical address, and name of agency of, and the office
 808 or position held by, each state officer, local officer, or
 809 specified state employee within the respective unit of
 810 government as of December 31 of the preceding year.

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

815 (b) Not later than June 1 ~~30 days before July 1~~ of each
 816 year, the commission and each supervisor of elections, as
 817 appropriate, shall distribute ~~mail~~ a copy of the form prescribed
 818 for compliance with subsection (3) and a notice of all
 819 applicable disclosure forms and filing deadlines to each person
 820 required to file a statement of financial interests. Beginning
 821 January 1, 2023, no paper forms will be provided. The notice
 822 required under this paragraph and instructions for electronic
 823 submission must be delivered by e-mail.

824 (c) Not later than August 1 ~~30 days after July 1~~ of each
 825 year, the commission and each supervisor of elections shall

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

826 | determine which persons required to file a statement of
 827 | financial interests in their respective offices have failed to
 828 | do so and shall send delinquency notices ~~by certified mail,~~
 829 | ~~return receipt requested,~~ to these persons. Each notice must
 830 | ~~shall~~ state that a grace period is in effect until September 1
 831 | of the current year; that no investigative or disciplinary
 832 | action based upon the delinquency will be taken by the agency
 833 | head or commission if the statement is filed by September 1 of
 834 | the current year; that, if the statement is not filed by
 835 | September 1 of the current year, a fine of \$25 for each day late
 836 | will be imposed, up to a maximum penalty of \$1,500; for notices
 837 | distributed ~~sent~~ by a supervisor of elections, that he or she is
 838 | required by law to notify the commission of the delinquency; and
 839 | that, if upon the filing of a sworn complaint the commission
 840 | finds that the person has failed to timely file the statement
 841 | within 60 days after September 1 of the current year, such
 842 | person will also be subject to the penalties provided in s.
 843 | 112.317. Beginning January 1, 2023, notice required under this
 844 | paragraph must be delivered by e-mail and must be redelivered on
 845 | a weekly basis by e-mail as long as the person remains
 846 | delinquent.

847 | (d) No later than November 15 of each year, the supervisor
 848 | of elections in each county shall certify to the commission a
 849 | list of the names and addresses of, and the offices or positions
 850 | held by, all persons who have failed to timely file the required

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

851 statements of financial interests. The certification must
852 include the earliest of the dates described in subparagraph
853 (g)1. ~~(f)1.~~ The certification shall be on a form prescribed by
854 the commission and shall indicate whether the supervisor of
855 elections has provided the disclosure forms and notice as
856 required by this subsection to all persons named on the
857 delinquency list.

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

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

873 (g) Any person who is required to file a statement of
874 financial interests and whose name is on the commission's
875 mailing list, and to whom notice has been sent, but who fails to

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

876 | timely file is assessed a fine of \$25 per day for each day late
877 | up to a maximum of \$1,500; however, this \$1,500 limitation on
878 | automatic fines does not limit the civil penalty that may be
879 | imposed if the statement is filed more than 60 days after the
880 | deadline and a complaint is filed, as provided in s. 112.324.
881 | The commission must provide by rule the grounds for waiving the
882 | fine and procedures by which each person whose name is on the
883 | ~~mailing~~ list and who is determined to have not filed in a timely
884 | manner will be notified of assessed fines and may appeal. The
885 | rule must provide for and make specific the following:

- 886 | 1. The amount of the fine due is based upon the earliest
887 | of the following:
 - 888 | a. When a statement is actually received by the office.
 - 889 | b. When the statement is postmarked.
 - 890 | c. When the certificate of mailing is dated.
 - 891 | d. When the receipt from an established courier company is
892 | dated.
- 893 | 2. For a specified state employee or a state officer, upon
894 | receipt of the disclosure statement by the commission or upon
895 | accrual of the maximum penalty, whichever occurs first, and for
896 | a local officer upon receipt by the commission of the
897 | certification from the local officer's supervisor of elections
898 | pursuant to paragraph (d), the commission shall determine the
899 | amount of the fine which is due and shall notify the delinquent
900 | person. The notice must include an explanation of the appeal

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

901 procedure under subparagraph 3. The fine must be paid within 30
 902 days after the notice of payment due is transmitted, unless
 903 appeal is made to the commission pursuant to subparagraph 3. The
 904 moneys are to be deposited into the General Revenue Fund.

905 3. Any reporting person may appeal or dispute a fine,
 906 based upon unusual circumstances surrounding the failure to file
 907 on the designated due date, and may request and is entitled to a
 908 hearing before the commission, which may waive the fine in whole
 909 or in part for good cause shown. Any such request must be in
 910 writing and received by the commission ~~made~~ within 30 days after
 911 the notice of payment due is transmitted. In such a case, the
 912 reporting person must, within the 30-day period, notify the
 913 person designated to review the timeliness of reports in writing
 914 of his or her intention to bring the matter before the
 915 commission. For purposes of this subparagraph, the term "unusual
 916 circumstances" does not include the failure to monitor an e-mail
 917 account or failure to receive notice if the person has not
 918 notified the commission of a change in his or her e-mail
 919 address.

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

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

926 | occurred, but nevertheless is required to file the disclosure
 927 | statement.

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

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

941 | (9) (a)~~(8) (a)~~ The appointing official or body shall notify
 942 | each newly appointed local officer, state officer, or specified
 943 | state employee, not later than the date of appointment, of the
 944 | officer's or employee's duty to comply with the disclosure
 945 | requirements of this section. The agency head of each employing
 946 | agency shall notify each newly employed local officer or
 947 | specified state employee, not later than the day of employment,
 948 | of the officer's or employee's duty to comply with the
 949 | disclosure requirements of this section. The appointing official
 950 | or body or employing agency head may designate a person to be

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

951 responsible for the notification requirements of this paragraph.

952 (b) The agency head of the agency of each local officer,
 953 state officer, or specified state employee who is required to
 954 file a statement of financial interests for the final disclosure
 955 period shall notify such persons of their obligation to file the
 956 final disclosure and may designate a person to be responsible
 957 for the notification requirements of this paragraph.

958 (c) If a person holding public office or public employment
 959 fails or refuses to file an annual statement of financial
 960 interests for any year in which the person received notice from
 961 the commission regarding the failure to file and has accrued the
 962 maximum automatic fine authorized under this section, regardless
 963 of whether the fine imposed was paid or collected, the
 964 commission shall initiate an investigation and conduct a public
 965 hearing without receipt of a complaint to determine whether the
 966 person's failure to file is willful. Such investigation and
 967 hearing must be conducted in accordance with s. 112.324. Except
 968 as provided in s. 112.324(4), if the commission determines that
 969 the person willfully failed to file a statement of financial
 970 interests, the commission shall enter an order recommending that
 971 the officer or employee be removed from his or her public office
 972 or public employment. The commission shall forward its
 973 recommendation as provided in s. 112.324.

974 ~~(10)-(9)~~ A public officer who has filed a disclosure for
 975 any calendar or fiscal year shall not be required to file a

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

976 second disclosure for the same year or any part thereof,
 977 notwithstanding any requirement of this act, except that any
 978 public officer who qualifies as a candidate for public office
 979 shall file a copy of the disclosure with the officer before whom
 980 he or she qualifies as a candidate at the time of qualification.

981 (11)~~(10)~~(a) The commission shall treat an amendment to an
 982 ~~amended~~ annual statement of financial interests which is filed
 983 before September 1 of the year in which the statement is due as
 984 part of the original filing, regardless of whether a complaint
 985 has been filed. If a complaint alleges only an immaterial,
 986 inconsequential, or de minimis error or omission, the commission
 987 may not take any action on the complaint other than notifying
 988 the filer of the complaint. The filer must be given 30 days to
 989 file an amendment to the ~~amended~~ statement of financial
 990 interests correcting any errors. If the filer does not file an
 991 amendment to the ~~amended~~ statement of financial interests within
 992 30 days after the commission sends notice of the complaint, the
 993 commission may continue with proceedings pursuant to s. 112.324.

994 (b) For purposes of the final statement of financial
 995 interests, the commission shall treat an amendment to a ~~new~~
 996 final statement of financial interests as part of the original
 997 filing, if filed within 60 days of the original filing
 998 regardless of whether a complaint has been filed. If, more than
 999 60 days after a final statement of financial interests is filed,
 1000 a complaint is filed alleging a complete omission of any

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

1001 information required to be disclosed by this section, the
1002 commission may immediately follow the complaint procedures in s.
1003 112.324. However, if the complaint alleges an immaterial,
1004 inconsequential, or de minimis error or omission, the commission
1005 may not take any action on the complaint other than notifying
1006 the filer of the complaint. The filer must be given 30 days to
1007 file an amendment to the ~~a new~~ final statement of financial
1008 interests correcting any errors. If the filer does not file an
1009 amendment to the ~~a new~~ final statement of financial interests
1010 within 30 days after the commission sends notice of the
1011 complaint, the commission may continue with proceedings pursuant
1012 to s. 112.324.

1013 (c) For purposes of this section, an error or omission is
1014 immaterial, inconsequential, or de minimis if the original
1015 filing provided sufficient information for the public to
1016 identify potential conflicts of interest. However, failure to
1017 certify completion of annual ethics training required under s.
1018 112.3142 does not constitute an immaterial, inconsequential, or
1019 de minimis error or omission.

1020 (12) ~~(11)~~ (a) An individual required to file a statement
1021 ~~disclosure~~ pursuant to this section may have the statement
1022 ~~disclosure~~ prepared by an attorney in good standing with The
1023 Florida Bar or by a certified public accountant licensed under
1024 chapter 473. After preparing a statement ~~disclosure~~ form, the
1025 attorney or certified public accountant must sign the form

ENROLLED

CS/HB 7021, Engrossed 1

2019 Legislature

1026 | indicating that he or she prepared the form in accordance with
 1027 | this section and the instructions for completing and filing the
 1028 | disclosure forms and that, upon his or her reasonable knowledge
 1029 | and belief, the disclosure is true and correct. If a complaint
 1030 | is filed alleging a failure to disclose information required by
 1031 | this section, the commission shall determine whether the
 1032 | information was disclosed to the attorney or certified public
 1033 | accountant. The failure of the attorney or certified public
 1034 | accountant to accurately transcribe information provided by the
 1035 | individual who is required to file the statement ~~disclosure~~ does
 1036 | not constitute a violation of this section.

1037 | (b) An elected officer or candidate who chooses to use an
 1038 | attorney or a certified public accountant to prepare his or her
 1039 | statement ~~disclosure~~ may pay for the services of the attorney or
 1040 | certified public accountant from funds in an office account
 1041 | created pursuant to s. 106.141 or, during a year that the
 1042 | individual qualifies for election to public office, the
 1043 | candidate's campaign depository pursuant to s. 106.021.

1044 | (13)~~(12)~~ The commission shall adopt rules and forms
 1045 | specifying how a state officer, local officer, or specified
 1046 | state employee may amend his or her statement of financial
 1047 | interests to report information that was not included on the
 1048 | form as originally filed. If the amendment is the subject of a
 1049 | complaint filed under this part, the commission and the proper
 1050 | disciplinary official or body shall consider as a mitigating

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CS/HB 7021, Engrossed 1

2019 Legislature

1051 factor when considering appropriate disciplinary action the fact
 1052 that the amendment was filed before any complaint or other
 1053 inquiry or proceeding, while recognizing that the public was
 1054 deprived of access to information to which it was entitled.

1055 Section 5. Section 112.31455, Florida Statutes, is amended
 1056 to read:

1057 112.31455 Collection methods for unpaid automatic fines
 1058 for failure to timely file disclosure of financial interests.—

1059 (1) Before referring any unpaid fine accrued pursuant to
 1060 s. 112.3144(8) or s. 112.3145(8) ~~s. 112.3144(5) or s.~~

1061 ~~112.3145(7)~~ to the Department of Financial Services, the
 1062 commission shall attempt to determine whether the individual
 1063 owing such a fine is a current public officer or current public
 1064 employee. If so, the commission may notify the Chief Financial
 1065 Officer or the governing body of the appropriate county,
 1066 municipality, or special district of the total amount of any
 1067 fine owed to the commission by such individual.

1068 (a) After receipt and verification of the notice from the
 1069 commission, the Chief Financial Officer or the governing body of
 1070 the county, municipality, or special district shall begin
 1071 withholding the lesser of 10 percent or the maximum amount
 1072 allowed under federal law from any salary-related payment. The
 1073 withheld payments shall be remitted to the commission until the
 1074 fine is satisfied.

1075 (b) The Chief Financial Officer or the governing body of

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CS/HB 7021, Engrossed 1

2019 Legislature

1076 the county, municipality, or special district may retain an
 1077 amount of each withheld payment, as provided in s. 77.0305, to
 1078 cover the administrative costs incurred under this section.

1079 (2) If the commission determines that the individual who
 1080 is the subject of an unpaid fine accrued pursuant to s.
 1081 112.3144(8) or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~
 1082 is no longer a public officer or public employee or if the
 1083 commission is unable to determine whether the individual is a
 1084 current public officer or public employee, the commission may, 6
 1085 months after the order becomes final, seek garnishment of any
 1086 wages to satisfy the amount of the fine, or any unpaid portion
 1087 thereof, pursuant to chapter 77. Upon recording the order
 1088 imposing the fine with the clerk of the circuit court, the order
 1089 shall be deemed a judgment for purposes of garnishment pursuant
 1090 to chapter 77.

1091 (3) The commission may refer unpaid fines to the
 1092 appropriate collection agency, as directed by the Chief
 1093 Financial Officer, to utilize any collection methods provided by
 1094 law. Except as expressly limited by this section, any other
 1095 collection methods authorized by law are allowed.

1096 (4) Action may be taken to collect any unpaid fine imposed
 1097 by ss. 112.3144 and 112.3145 within 20 years after the date the
 1098 final order is rendered.

1099 Section 6. Except as otherwise expressly provided in this
 1100 act, this act shall take effect upon becoming a law.