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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 03/05/2014 | . | |
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The Committee on Community Affairs (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 173 - 304

and insert:

Section 3. Subsection (1), paragraph (g) of subsection (5), and paragraphs (a) and (c) of present subsection (7) of section 112.3144, Florida Statutes, are amended, present subsections (6) through (9) of that section are redesignated as subsections (7)



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10 through (10), respectively, and a new subsection (6) is added to
11 that section, to read:

12 112.3144 Full and public disclosure of financial
13 interests.—

14 (1) An officer who is required by s. 8, Art. II of the
15 State Constitution to file a full and public disclosure of his
16 or her financial interests for any calendar or fiscal year shall
17 file that disclosure with the Florida Commission on Ethics.
18 Additionally, beginning January 1, 2015, an officer who is
19 required to complete annual ethics training pursuant to s.
20 112.3142 must certify on his or her full and public disclosure
21 of financial interests that he or she has completed the required
22 training.

23 (5) Forms for compliance with the full and public
24 disclosure requirements of s. 8, Art. II of the State
25 Constitution shall be created by the Commission on Ethics. The
26 commission shall give notice of disclosure deadlines and
27 delinquencies and distribute forms in the following manner:

28 (g) The notification requirements and fines of this
29 subsection do not apply to candidates or to the first filing
30 required of any person appointed to elective constitutional
31 office or other position required to file full and public
32 disclosure, unless the person's name is on the commission's
33 notification list and the person received notification from the
34 commission. The appointing official shall notify such newly
35 appointed person of the obligation to file full and public
36 disclosure by July 1. The notification requirements and fines of
37 this subsection do not apply to the final filing provided for in
38 subsection (7)-(6).



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39 (6) If a person holding public office or public employment
40 fails or refuses to file a full and public disclosure of
41 financial interests for any year in which the person received
42 notice from the commission regarding the failure to file and has
43 accrued the maximum automatic fine authorized under this
44 section, regardless of whether the fine imposed was paid or
45 collected, the commission may initiate an investigation and
46 conduct a public hearing without receipt of a complaint to
47 determine whether the person's failure to file is willful. Such
48 investigation and hearing must be conducted in accordance with
49 s. 112.324. Except as provided in s. 112.324(4), if the
50 commission determines that the person willfully failed to file a
51 full and public disclosure of financial interests, the
52 commission shall enter an order recommending that the officer or
53 employee be removed from his or her public office or public
54 employment.

55 (8)(7)(a) The commission shall treat an amended full and
56 public disclosure of financial interests which that is filed
57 before prior to September 1 of the current year in which the
58 disclosure is due as the original filing, regardless of whether
59 a complaint has been filed. If a complaint pertaining to the
60 current year alleges a failure to properly and accurately
61 disclose any information required by this section or if a
62 complaint filed pertaining to a previous reporting period within
63 the preceding 5 years alleges a failure to properly and
64 accurately disclose any information required to be disclosed by
65 this section, the commission may immediately follow complaint
66 procedures in s. 112.324. However, If a complaint filed after
67 August 25 alleges only an immaterial, inconsequential, or de



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68 minimis error or omission, the commission may not take any
69 action on the complaint, other than notifying the filer of the
70 complaint. The filer must be given 30 days to file an amended
71 full and public disclosure of financial interests correcting any
72 errors. If the filer does not file an amended full and public
73 disclosure of financial interests within 30 days after the
74 commission sends notice of the complaint, the commission may
75 continue with proceedings pursuant to s. 112.324.

76 (c) For purposes of this section, an error or omission is
77 immaterial, inconsequential, or de minimis if the original
78 filing provided sufficient information for the public to
79 identify potential conflicts of interest. However, failure to
80 certify completion of annual ethics training required under s.
81 112.3142 does not constitute an immaterial, inconsequential, or
82 de minimis error or omission.

83 Section 4. Present subsections (4) through (11) of section
84 112.3145, Florida Statutes, are redesignated as subsections (5)
85 through (12), respectively, a new subsection (4) is added to
86 that section, paragraph (c) is added to present subsection (7)
87 of that section, and paragraphs (a) and (c) of present
88 subsection (9) of that section are amended, to read:

89 112.3145 Disclosure of financial interests and clients
90 represented before agencies.—

91 (4) Beginning January 1, 2015, an officer who is required
92 to complete annual ethics training pursuant to s. 112.3142 must
93 certify on his or her statement of financial interests that he
94 or she has completed the required training.

95 (8) ~~(7)~~

96 (c) If a person holding public office or public employment



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97 fails or refuses to file an annual statement of financial
98 interests for any year in which the person received notice from
99 the commission regarding the failure to file and has accrued the
100 maximum automatic fine authorized under this section, regardless
101 of whether the fine imposed was paid or collected, the
102 commission may initiate an investigation and conduct a public
103 hearing without receipt of a complaint to determine whether the
104 person's failure to file is willful. Such investigation and
105 hearing must be conducted in accordance with s. 112.324. Except
106 as provided in s. 112.324(4), if the commission determines that
107 the person willfully failed to file a statement of financial
108 interests, the commission shall enter an order recommending that
109 the officer or employee be removed from his or her public office
110 or public employment.

111 (10)-(9)(a) The commission shall treat an amended annual
112 statement of financial interests which that is filed before
113 prior to September 1 of the current year in which the statement
114 is due as the original filing, regardless of whether a complaint
115 has been filed. If a complaint pertaining to the current year
116 alleges a failure to properly and accurately disclose any
117 information required by this section or if a complaint filed
118 pertaining to a previous reporting period within the preceding 5
119 years alleges a failure to properly and accurately disclose any
120 information required to be disclosed by this section, the
121 commission may immediately follow complaint procedures in s.
122 112.324. However, If a complaint filed after August 25 alleges
123 only an immaterial, inconsequential, or de minimis error or
124 omission, the commission may not take any action on the
125 complaint, other than notifying the filer of the complaint. The



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126 filer must be given 30 days to file an amended statement of
127 financial interests correcting any errors. If the filer does not
128 file an amended statement of financial interests within 30 days
129 after the commission sends notice of the complaint, the
130 commission may continue with proceedings pursuant to s. 112.324.

131 (c) For purposes of this section, an error or omission is
132 immaterial, inconsequential, or de minimis if the original
133 filing provided sufficient information for the public to
134 identify potential conflicts of interest. However, failure to
135 certify completion of annual ethics training required under s.
136 112.3142 does not constitute an immaterial, inconsequential, or
137 de minimis error or omission.

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

139 And the title is amended as follows:

140 Delete lines 21 - 37

141 and insert:

142 or omissions on a disclosure; providing that failure
143 to certify completion of annual ethics training on a
144 disclosure does not constitute an immaterial,
145 inconsequential, or de minimis error or omission;
146 amending s. 112.3145, F.S.; requiring an officer
147 required to participate in annual ethics training to
148 certify participation on his or her statement of
149 financial interests; authorizing the Commission on
150 Ethics to initiate an investigation and hold a public
151 hearing without receipt of a complaint in certain
152 circumstances; requiring the commission to enter an
153 order to remove an officer or public employee from
154 public office or public employment in certain



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155 circumstances; prohibiting the commission from taking
156 action on a complaint alleging certain errors or
157 omissions on a statement; providing that failure to
158 certify completion