

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7067 PCB PIE 22-04 Ethics Reform

**SPONSOR(S):** Public Integrity & Elections Committee, Byrd

**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Elections Committee	17 Y, 0 N	Rubottom	Rubottom
1) State Affairs Committee		Skinner	Williamson

### SUMMARY ANALYSIS

The Code of Ethics for Public Officers and Employees establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially. The Commission on Ethics (Commission) is an independent commission that maintains financial disclosure filings of constitutional officers and state officers and employees, administers fines for late filed required annual financial disclosures, administers the Executive Branch Lobbying Registration and Reporting Law, among other duties.

The bill makes several changes to current ethics and lobbying laws, including:

- Requiring certain candidates for elective office to file required annual financial disclosure forms at the time of qualifying for office.
- Requiring specified ethics training for members of the governing board of a special district or water management district, providing requirements for such training, and specifying course content.
- Requiring ethics training to be certified on annual financial disclosure forms as completed and requiring such forms to list the name of the training provider.
- Providing that contractual relationships held by a business entity are deemed to be held by a public officer or employee under certain circumstances.
- Revising local government voting conflict provisions.
- Clarifying certain provisions relating to electronic filing of disclosures of financial interests beginning in 2023.
- Provides a five-year statute of limitations for collecting late penalties for late filed annual financial disclosure forms.
- Repeals certain restrictions on state, state university, and community college employees lobbying the Legislature.
- Requires executive branch lobbying registration to be electronically registered with the Commission and makes additional changes to the executive branch lobbyist registration process.

The bill has an indeterminate fiscal impact on the state and local governments. See Fiscal Analysis & Economic Impact Statement.

The bill has an effective date of July 1, 2022, except where otherwise expressly provided in the bill.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Commission on Ethics

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

- Renders advisory opinions to public officials;<sup>4</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>5</sup>
- Administers the Executive Branch Lobbying Registration and Reporting Law;<sup>6</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees;<sup>7</sup> and
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.<sup>8</sup>

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

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>9</sup> establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.<sup>10</sup> The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, the Commission on Ethics, among others.<sup>11</sup>

#### Disclosure of Financial Interests

##### Present Situation

The Florida Constitution requires all elected constitutional officers, candidates for such offices, and statewide elected officers, to file a full and public disclosure of their financial interests. Other public

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<sup>1</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 13, 2022); See also S. 112.320, F.S.

<sup>2</sup> Art. II, s. 8(i)(3), Fla. Const.; S. 112.320, F.S.

<sup>3</sup> Art. II, s. 8(f), Fla. Const.

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

<sup>5</sup> S. 112.322(2)(b), F.S.

<sup>6</sup> Ss. 112.3215, 112.32155, F.S.

<sup>7</sup> S. 112.3144, F.S.

<sup>8</sup> S. 112.31455, F.S.; see also Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 13, 2022).

<sup>9</sup> See Pt. III, Ch. 112, F.S.

<sup>10</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 13, 2022).

<sup>11</sup> See Pt. III, Ch. 112, F.S.

officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.<sup>12</sup>

The term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value of each asset and liability in excess of \$1,000. The disclosure must be accompanied by either a sworn statement which identifies each separate source and amount of income which exceeds \$1,000 or a copy of the reporting individual’s most recent federal income tax return.<sup>13</sup> Pursuant to general law, the Commission has created by rule CE Form 6 (Form 6), which is used to make the required full and public financial disclosure.<sup>14</sup>

Individuals holding the following positions must presently file Form 6: governor; lieutenant governor; cabinet members; legislators; state attorneys; public defenders; clerks of circuit courts; sheriffs; tax collectors; property appraisers; supervisors of elections; county commissioners; elected superintendents of schools; district school board members; Jacksonville City Council members (including the mayor); compensation claims judges; Duval County superintendent of schools; Florida Housing Finance Corporation Board members; Florida Prepaid College Board members; and each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to Chapter 348 or 343, F.S., or any other general law.<sup>15</sup>

Reporting individuals are required to file Form 6 annually with the Commission by July 1. Additionally, candidates for a constitutional office are required to make a full and public disclosure of their financial interests at the time of qualifying.<sup>16</sup>

Beginning January 1, 2022, annual Form 6 disclosures filed with the Commission must be filed electronically through an electronic filing system that is created and maintained by the Commission.<sup>17</sup> Candidates will continue to file a copy of their Form 6 with the election office in which they file qualifying papers.<sup>18</sup>

In addition to those filing a Form 6, current law requires a less detailed disclosure of financial interests using the Commission’s CE Form 1 (Form 1). Form 1 must be filed by a large group of local officers, including all officers holding elected positions in any political subdivision of the state, other than counties, specified appointed officers. Other persons filing Form 1 include specified state officers and employees and persons seeking to qualify as candidates for state or local office.<sup>19</sup>

Form 1 requires the individual disclose their primary sources of income from which they receive over \$2,500 of gross income as well as secondary sources of income if the filer owned more than 5% of the total assets or capital stock of a business entity and the filer received more than \$5,000 of gross income during that disclosure period from the business entity. Form 1 filers must also disclose Florida real property interests in excess of 5% of the property’s value, and intangible personal property that was worth more than \$10,000 identifying the business entity to which the property related. These filers must also disclose each liability in excess of \$10,000 including the name and address of the creditor when owed at any time during the disclosure period.<sup>20</sup> Until the end of 2022, filers may make their disclosure using alternate thresholds based on a percentage of gross income, total assets, or net

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<sup>12</sup> *Id.* See ss. 112.3144(1)(b) and 112.3145, F.S.

<sup>13</sup> S. 8(i)(1), Art. II, Fl. Const. (schedule in effect until changed by law); s. 112.3144, F.S. (clarifying and limiting disclosure).

<sup>14</sup> S. 112.3144(8), F.S.; See R. 34-8.002, F.A.C.

<sup>15</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited February 12, 2022).

<sup>16</sup> S. 112.3142(2)(a), F.S.

<sup>17</sup> S. 112.31446, F.S.

<sup>18</sup> Ss. 99.061(5) and 99.061(7)(a)5., F.S.

<sup>19</sup> *Id.*; See S. 112.3145, F.S.

<sup>20</sup> S. 112.3145(3)(b), F.S.

worth.<sup>21</sup> Form 1 must be filed annually with the Commission by July 1. Beginning January 1, 2023 Form 1 must be filed electronically.

All Form 6 filers and Form 1 filers must file quarterly reports naming clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at the filer's level of government.<sup>22</sup> Many Form 6 and Form 1 filers must also certify their completion of any required ethics training on their respective financial disclosure form.<sup>23</sup>

### *Candidate Qualifications Respecting Financial Disclosures*

Under the Election Code, at the time of qualifying for office, each candidate for a constitutional office must file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation, and a candidate for any other office, including local elective office, must file a statement of financial interests.<sup>24</sup> When a candidate has qualified for office prior to the deadline to file an annual financial disclosure, the disclosure filed with the candidate's qualifying papers is deemed to satisfy the annual disclosure requirement.<sup>25</sup>

Beginning January 1, 2023, under the Code of Ethics, an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement may submit a copy of the financial disclosure form filed with the Commission, or a verification or receipt of the filing, with the officer before whom he or she qualifies.<sup>26</sup> A candidate not subject to an annual filing requirement does not file with the Commission, but may complete and print the appropriate financial disclosure form to file with the officer before whom he or she qualifies.<sup>27</sup>

Under the Elections Code, in order for a candidate to be qualified for nomination or election to office, the filing officer must receive the full and public disclosure or statement of financial interests by the end of the qualifying period.<sup>28</sup> This provision appears inconsistent with the verification or receipt provisions in the Code of Ethics. If the filing officer receives qualifying papers during the qualifying period prior to the last day of qualifying, which do not include all statutorily required items, the filing officer must make a reasonable effort to notify the candidate of any missing or incomplete items and must inform the candidate that all required items must be received by the close of qualifying.<sup>29</sup>

### Effect of Proposed Changes

The bill adds candidates qualifying for constitutional or other elective office subject to an annual Form 6 filing requirement to the list of those that must file Form 6 prior to running for the office. It permits these candidates to submit a verification or receipt of electronic filing if they have filed an annual financial disclosure electronically with the Commission.

The bill clarifies that Form 1 and any other form required by s. 112.3145, F.S., except a statement of a candidate not subject to an annual filing requirement, must be filed electronically through an electronic filing system created and maintained by the Commission. The bill clarifies other provisions with respect to certain notices and the role of supervisors of elections pending the 2023 transition to electronic filing of annual Form 1 disclosures.

The bill co-locates all provisions related to ethics training and beginning January 1, 2023, requires all members of the governing board of a special district or water management district to complete 4 hours of ethics training. The bill requires these individuals to certify on their full and public disclosure of

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<sup>21</sup> S. 112.3145(3)(a), F.S.

<sup>22</sup> S. 112.3145(6), F.S.

<sup>23</sup> S. 112.3144(1)(a), F.S.

<sup>24</sup> S. 99.061(5), F.S.

<sup>25</sup> Ss. 112.3144(3), 112.3145(2)(a), F.S.

<sup>26</sup> Ss. 112.3144(4), 112.3145(2)(c), F.S.

<sup>27</sup> S. 112.3144(4), F.S.

<sup>28</sup> S. 99.061(7)(a)5., F.S.

<sup>29</sup> S. 99.061(7)(b), F.S.

financial interests that such ethics training has been completed. Beginning January 1, 2023, the bill requires the name of the training provider to also be provided and specifies that failure to do so does not constitute an immaterial, inconsequential, or de minimis error or omission.

The bill specifies the course content that must be offered as part of ethics training and encourages training providers to seek accreditation from an applicable licensing body for courses offered.

The bill provides that through December 31, 2022, local officers must file their statement of financial interests with the supervisor of elections of the county where they permanently reside and for local officers that are not permanent residents in any county in the state, statements of financial interests must be filed with the supervisor of elections in the county where their agency is headquartered. Effective January 1, 2023, the bill specifies that a statement of financial interests and a final statement of financial interests, and any amendments, or any other required form, except any statement of a candidate not subject to an annual filing requirement, must be filed electronically through the Commission's electronic filing system.

Beginning January 1, 2023, delinquency notices may not be sent by certified mail. The bill also reduces the statute of limitations for collection of fines for late filing financial disclosures to five years for persons who are not public officers or employees measured from the later of the final order or vacation of public office or employment.

## **State Employee Lobbyists**

### Present Situation

State law regulates aspects of legislative lobbying by state employees.<sup>30</sup> Employees of non-public entities are only required to register as lobbyists if they are employed and receive payment for the purpose of lobbying or are principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.<sup>31</sup> However, any state, state university, or community college employee who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the Legislature must register as a lobbyist with the Office of Legislative Services (OLS).<sup>32</sup> In addition, each state, state university, or community college employee is required to record his or her attendance before any legislative committee during the established business hours of the employee's agency and record with OLS any attendance in the legislative chambers, committee rooms, legislative offices, legislative hallways, and other areas, unless the agency designates the individual's position as being used for lobbying.<sup>33</sup> The law requires deduction from the employee's salary for all business hours spent lobbying in violation of these requirements.<sup>34</sup>

### Effect of Proposed Changes

The bill repeals the provision of law requiring state, university, and community college employees who advocate on behalf of their state government employer to record their attendance before any legislative committee or legislative office. Registration will still be required of those meeting the definition of "lobbyist" under the Joint Rules of the Florida Legislature.

## **Conflicting Employment or Contractual Relationship**

### Present Situation

Current law prohibits a public officer or employee from entering into an employment or contractual relationship with any business entity or any agency which the officer's or employee's agency exercises

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<sup>30</sup> S. 11.061, F.S.

<sup>31</sup> S. 11.045(1)(g), F.S.

<sup>32</sup> S. 11.061(1), F.S.

<sup>33</sup> S. 11.061(2), F.S.

<sup>34</sup> S. 11.061(3), F.S.

regulatory power or with whom the officer's or employee's agency does business.<sup>35</sup> There are a number of exceptions relating to certain objectively fair or *de minimis* procurements, certain disclosed relationships, an emergency purchase or contract, certain non-profit employment, and other comparable exceptions.<sup>36</sup> "Regulatory power" under this law does not include power exercised by a legislative body over another agency or legislative authority exercised by passage of laws or ordinances.<sup>37</sup>

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>38</sup> imposes on many public officers and state employees a two-year ban on lobbying their former public employer after vacation of public office or employment.<sup>39</sup> Affected employees are generally those with policymaking or significant purchasing authority. Affected legislative employees, including committee staff directors, deputy staff directors, certain attorneys, certain analysts, and others, are barred by this statute from lobbying either chamber or any office of the Legislature.<sup>40</sup> Affected state agency personnel are only barred from lobbying their own former agency.<sup>41</sup> Thus, a former Secretary of Health may lobby the Executive Office of the Governor or any agency under the Governor except the Department of Health. For both legislative and executive employees, however, there is an exception to the ban for those subsequently employed by other state agencies.<sup>42</sup> Thus, a former agency secretary or legislative staff director may lobby their former employer on behalf of another state agency by whom they are employed during the first two years after leaving the position to which the ban relates. The provision has a number of exemptions.<sup>43</sup>

#### Additional Standards for State Agency Employees

The Code of Ethics imposes additional post-service restrictions on certain state employees.<sup>44</sup> There is a concurrent employment prohibition and a post-employment restriction on employment by agency contractors over which the employee has exercised certain procurement influence or authority during public service.<sup>45</sup> After retirement or termination, the former employee may not be employed in connection with any contract over which the employee had influence with respect to the procurement.<sup>46</sup> There is an exception when the employee's prior position is eliminated and is contracted out to the business entity.<sup>47</sup> In this case, if the employee's participation was limited to recommendation, investigation, or merely advisory, and if the agency head determines the best interests of the state will be served by the employee having an employment or contractual relationship with the business entity, the employee is not prohibited from such action.<sup>48</sup>

A related restriction prohibits a former state agency employee, within two years after retirement or termination, from having or holding any employment or contractual relationship with any business entity in connection with any contract for contractual services that was within the employee's responsibility.<sup>49</sup> If the employee's position is eliminated and such duties are contracted to the business entity, an exception exists when the agency head determines the former employee's employment with the business entity is in the best interests of the state.<sup>50</sup>

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<sup>35</sup> S. 112.313(7)(a), F.S.

<sup>36</sup> Ss. 112.313(12) and (15), F.S.

<sup>37</sup> S. 112.313(7)(a)2., F.S.

<sup>38</sup> Pt. III, Ch. 112, F.S.

<sup>39</sup> S. 112.313(9), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> S. 112.313(9)(a)4., F.S.

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

<sup>43</sup> S. 112.313(9)(a)6., F.S.

<sup>44</sup> S. 112.3185, F.S.

<sup>45</sup> S. 112.3185(2), F.S.

<sup>46</sup> S. 112.3185(3), F.S.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> S. 112,3185(4), F.S.

<sup>50</sup> *Id.*

In addition, there is a post-service compensation limitation applicable to an agency employee who becomes a contractor providing services to his or her former agency. During the first year after leaving his or her position with the agency, the former employee may not be paid more than the annual salary he or she was receiving upon leaving the agency for contractual services provided to the agency.<sup>51</sup> An exception exists when the agency head grants a waiver for a particular contract after determining it will result in significant time or cost savings to the state.<sup>52</sup>

An employee of the Public Service Commission who was employed on or before December 31, 1994, is exempt from these additional standards for state agency employees.<sup>53</sup>

### Effect of Proposed Changes

The bill specifies that, for purposes of determining conflicting employment and contractual relationships, if a public officer or agency employee holds a material interest in a business entity other than a publicly traded entity, or is an officer, director, or member who manages such an entity, contractual relationships held by the business entity are deemed to be held by the public officer or employee. The bill clarifies the legislative exemption from the term “regulatory power” providing that certain actions are not considered a conflict unless prohibited or deemed a conflict by another law.

The bill clarifies that the exception to the restriction on state agency personnel lobbying their former agency for two years after leaving the agency applies when such former employee is employed by *and representing* another state agency. The bill repeals certain exemptions from the post-employment restrictions.

## **Local Government Voting Conflicts**

### Present Situation

The Code of Ethics regulates voting conflicts. State public officers may not vote on matters inuring to their own special private gain or loss and must make every reasonable effort to disclose such conflicts, as well as conflicts affecting a relative, principal, or business associate.<sup>54</sup> County, municipal, and other local public officers must disclose and may not vote on matters that would inure to the officer’s special private gain or loss or the special gain or loss of a public officer’s principal, or the parent subsidiary of a principal, or to the special private gain or loss of a relative or business associate of the public officer.<sup>55</sup> There are exceptions for specified circumstances in certain special districts.<sup>56</sup>

The law also requires appointed public officers to disclose such conflicts prior to any participation in a matter.<sup>57</sup>

### Effect of Proposed Changes

The bill applies this voting conflict provision to governing board members of a special district or school district. It also applies the requirement that conflicts be disclosed prior to participating in any matter to local public officers and governing board members of a special district or school district.

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<sup>51</sup> S. 112.3185(5), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> S. 112.3185(8), F.S.

<sup>54</sup> S. 112.3143(2)(a), F.S.

<sup>55</sup> S. 112.3143(3)(a), F.S.

<sup>56</sup> S. 112.3143(3)(b), F.S.

<sup>57</sup> S. 112.3143(4), F.S.

# Lobbyist Registration and Compensation Reporting

## Present Situation

Lobbyists must register to lobby the executive branch and the legislative branch in Florida. Executive branch lobbying is regulated by the Code of Ethics and administered by the Commission.<sup>58</sup> Legislative branch lobbying is regulated primarily by Joint Rule and administered by the Office of Legislative Services.<sup>59</sup> Both registration systems require lobbyists to register annually for each principal represented and to indicate the entities to be lobbied.<sup>60</sup> In addition, lobbying firms must file quarterly compensation reports.<sup>61</sup> Both the Commission and the Legislature have instituted electronic registration and compensation reporting.<sup>62</sup> Executive branch lobbyists, however, must supply a written oath to complete each registration as well as a signed statement of authority from the principal.<sup>63</sup>

State agency employees and employees of legislative and judicial branch entities acting in the normal course of their duties are exempt from executive branch lobbying registration.<sup>64</sup> However, local government officers and employees must register to lobby the state executive branch.

Compensation reporting is subject to random audits, and findings of non-compliance are reported to the Commission, in the case of executive branch lobbying firms, for investigation.<sup>65</sup>

Executive branch lobbyist registration law provides specific procedures for its enforcement.<sup>66</sup> The Commission reports probable cause findings to the Governor and Cabinet for appropriate action, which can include a fine up to \$5,000 and prohibition from lobbying for up to two years.<sup>67</sup> A person accused of violating the lobbyist registration law may also request a hearing within 14 days of the mailing of the probable cause notification.<sup>68</sup>

## Effect of Proposed Changes

The bill updates the executive branch lobbying registration law by requiring registrations to include e-mail addresses of lobbyists, principals, and lobbying firms. The bill also requires the lobbyist registrant to include his or her lobbying firm's name, business address, and telephone number, if any, on the registration. The bill requires registration to be electronic and removes the written oath requirement. The bill revises definitions to more closely conform with the legislative branch lobbying registration rule.

The bill applies the executive branch lobbyist requirements, such as registration and compensation reporting, to the Board of Governors of the State University System and the State Board of Education.

The bill exempts officers and employees of political subdivisions from the requirement to register as executive branch lobbyists.

The bill authorizes the Commission to dismiss executive branch lobbyist registration complaints and referrals based on lobbying firm compensation audits if the Commission determines that the public interest is not served by proceeding further. In such cases, the Commission must issue a public report stating with particularity its reasons for the dismissal. This will allow dismissal of cases involving *de minimis* violations or unintentional mistakes in compensation reports.

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<sup>58</sup> S. 112.3215, F.S.

<sup>59</sup> S. 11.045, F.S. and Joint Rule 1.

<sup>60</sup> S. 112.3215(3), F.S.; Joint Rule 1.2

<sup>61</sup> S. 112.3215(5)(a)1., F.S.; Joint Rule 1.4

<sup>62</sup> S. 112.32155, F.S.; Joint Rule 1.1(2)(f)

<sup>63</sup> S. 112.3215(3), F.S.

<sup>64</sup> S. 112.3215(1)(h)(2), F.S.

<sup>65</sup> S. 112.3215(8)(c), F.S.

<sup>66</sup> S. 112.3215(8)–(9), F.S.

<sup>67</sup> Ss. 112.3215 (9) and 112.3215(10), F.S.

<sup>68</sup> S. 112.3215(9), F.S.



## B. SECTION DIRECTORY:

Section 1. Repeals s. 11.061, F.S., relating to state, state university, and community college employee lobbyists; registration; recording attendance; penalty; exemptions.

Section 2. Amends s. 99.061, F.S., effective April 1, 2022, relating to method of qualifying for nomination or election to federal, state, county, or district office to clarify candidate financial disclosure requirements and authorize a receipt or verification of filing Form 1 or Form 6 to be filed with qualifying papers in lieu of a copy of the completed form.

Section 3. Amends s. 112.313, F.S., providing contractual relationships of certain business entities are deemed held by a public officer or employee under certain circumstances and revising and clarifying application of conflicting employment and post-employment restrictions.

Section 4. Amends s. 112.3142, F.S., requiring certain persons to complete ethics training and specifying the requirements of mandatory ethics training.

Section 5. Amends s. 112.3143, F.S., adding board members of special districts and school boards to voting conflict restrictions and adding a group of officers to requirements for conflict disclosure prior to participation in a matter.

Section 6. Amends s. 112.3144, F.S., requiring certain officers to certify to completion of required ethics training and to provide the name of their training provider on annual financial disclosures.

Section 7. Amends s. 112.3145, F.S., to clarify filing and notice requirements during transition to electronic filing of financial disclosures with the Commission beginning on January 1, 2023.

Section 8. Amends s. 112.31455, F.S., to limit when action can be taken for unpaid automatic fines owed by non-public officers or employees and former public officers and employees.

Section 9. Amends s. 112.3185, F.S., to remove a certain exception.

Section 10. Amends s. 112.3215, F.S., updating the executive branch lobbyist registration provisions to effectuate electronic registration and authorizing dismissal of certain complaints and referrals related to lobbying firm compensation audit findings.

Section 11. Amends s. 420.5061, F.S., conforming a cross-reference to changes made by the act.

Section 12. Establishes the legitimate state interest for the act.

Section 13. Provides an effective date of July 1, 2022, except where otherwise expressly provided in the act.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to affect state revenues.

#### 2. Expenditures:

The changes related to streamlining the executive branch lobbyist registration process are expected to yield an indeterminate reduction in the Commission's overall cost of administering that law. Such savings may be offset by an increase in costs associated with other provisions of the bill.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may result in a slight reduction in costs to local governments by exempting local officers and employees from executive branch lobbying registration.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill removes the rule-making authority of the Commission to adopt rules to establish minimum course content for certain portions of the required ethics training for specified officers because the bill specifies certain content that must be included, at a minimum, for those portions of the ethics training.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not remove a current provision of law, which requires each commissioner of a community redevelopment agency created under part III of chapter 163 to complete specified ethics training, from statute while incorporating this provision in the preceding subsection. Further, while the bill requires such specified ethics trainings for constitutional officers, all elected municipal officers, each commissioner of a community redevelopment agency created under part III of chapter 163, and all members of the governing board of a special district or water management district, the changes the bill makes to the provision of law that sets forth the schedule of when the required ethics training should be completed does not apply to a commissioner of a community redevelopment agency created under part III of chapter 163, F.S..

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES