

## Committee on Ethics and Elections

### CS/SB 7014 — Ethics

by Rules Committee and Ethics and Elections Committee

The bill creates a number of timeframes for completion of specific steps of the process conducted by the Commission on Ethics (commission) when investigating alleged ethics violations, including:

- The commission's pre-investigation review of complaints and referrals for technical and legal sufficiency.
- The deadline for the complainant to file an amended complaint.
- The completion of a report containing the results of an investigation, its transmission to the alleged violator and counsel for the commission, the alleged violator's response, and the counsel for the commission's written recommendation relating to probable cause.
- The hearings held by the commission, including informal hearings and those held for the purpose of determining probable cause or taking final action on a case relinquished from the Division of Administrative Hearings (DOAH) back to the commission without a recommended order.

Related to the new timeframes, the bill:

- Requires the commission to complete its investigation, which concludes with the probable cause determination, within 1 year, and provides limited extension allowed under certain circumstances.
- Creates a harmless error standard for failure to meet the timeframes.
- Tolls the timeframes until resolution of any related criminal cases.
- Specifies that the timeframes apply to complaints or referrals submitted to the commission on or after October 1, 2024.

The bill makes the following additional changes related to investigations conducted by the commission:

- Clarifies that the counsel representing the commission in enforcement actions is an assistant attorney general, unless there is a conflict, in which case the commission must designate an attorney not otherwise employed by the commission.
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts. Provides that the alleged violator may elect to have a formal administrative hearing conducted by an administrative law judge in the DOAH or an informal hearing conducted before the commission.
- Requires that at least two-thirds of commission members present at a meeting must vote to reject or deviate from a stipulation or settlement that is recommended by the counsel representing the commission.

The bill's provisions related to investigations conducted by the commission take effect October 1, 2024.

The bill also, effective upon becoming a law:

- Requires complaints be based upon personal knowledge or information other than hearsay.
- Conforms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws.
- Provides that terms of commission members are limited to two total, rather than two successive.
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint.
- Provides a Form 1 and Form 6 reporting exception for attorneys who have a conflict with Florida Bar requirements by allowing an attorney filer to remove identifying information regarding a client when reporting sources of income if disclosure of the information will violate confidentiality requirements.
- Requires all local political subdivisions or agencies that adopt or have adopted local ethics laws and enforcement procedures to:
  - Require a complaint to be written and signed under oath or affirmation;
  - Require a complaint to be based upon personal knowledge other than hearsay;
  - Prohibit self-initiation of complaints by a local government entity that is directly in charge of regulating and enforcing local ethics laws; and
  - Authorize recovery of costs and attorney fees incurred in defending against a maliciously filed complaint.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law, except as otherwise expressly provided.

*Vote: Senate 26-4; House 79-34*