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*"A Public Office is a Public Trust"*

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# MEMORANDUM

**TO:** Commission Members

**FROM:** Kerrie Stillman, Executive Director

**SUBJECT:** Part 2 of Discussion of Legislative Plan and Recommendations for 2027

**DATE:** August 13, 2026

This memo outlines your continuing discussion of the Commission's 2027 legislative recommendations. The Commission is statutorily required to make recommendations for legislation, and it does that in its Annual Report. The 2027 session will begin in March, but work on legislation begins earlier, with Committee meetings starting in November. At your July meeting, there was a consensus to move forward with a couple of items from 2026, with additional discussion and decisions to be made at the August meeting.

As a part of your continuing consideration and development of legislative recommendations for 2027, it is important that in addition to deciding *what* you want to recommend, you decide on the approach you want to take, specifically:

1) Whether to actively lobby any of the recommendations, and if so, establishing your priorities. The Commission is not required to do anything more than make recommendations, but has, in most years, actively engaged in the legislative process.

2) Whether to have a Member serve as legislative liaison and what authority to give him or her. Any lobbying effort is greatly enhanced by having a Member serve as legislative liaison. It is very meaningful to members of the House and Senate when they hear from Commission members, rather than just staff.

I appreciate your interest in this process and look forward to your discussion and guidance.

**Items of particular interest 2027 based on July meeting discussion**

1. Whistle Blower Protection for Ethics Complainants

   The Commission believes that the threat of adverse employment or personnel actions in retaliation for a person's filing of an ethics complaint discourages the filing of valid complaints. Thus, the Commission seeks the enactment of protections or remedies, akin to those in the "Whistle-blower's Act," Sections 112.3187-112.31895, Florida Statutes, for the benefit of ethics complainants. Last year, there were two bills on this topic: SB 92 and HB 139. However, neither of these bills made it to the finish line. SB 92 made it through its committee stops but died on the Second Reading Calendar. HB 139 also made it through its committee stops but died on the Second Reading Calendar.

   Based on the discussion during the July meeting, the Commission is poised to recommend the legislature adopt whistle blower protection for ethics complainants.

2. Public Records Exemptions

   The Commission and its staff engage in adversarial proceedings against Respondents to ethics complaints. These proceedings can result in harsh penalties for Respondents, up to and including removal from their public positions, and fines of up to $20,000. Aside from this, Commission staff sometimes receive hostile communications from members of the public, as well as ethics Complainants who are upset about the outcome of complaints they have filed. Because of this, we believe Commission Members, as well as Commission staff, should receive a public records exemption for information such as their home addresses and phone numbers, similar to other public records exemptions available to other public officers and employees. Last year, SB 1546 was filed in the Senate, which would have created records exemptions for current and former Commissioners and staff (as well as their spouses and children). The bill was referred to three Committees but was not heard by any.

   Based on the July meeting discussion, the Commission is poised to recommend the legislature consider a confidentiality exemption, with some discussion to possibly limit it to Commission staff only, if that would increase its likelihood of success.

3. Form 10

   Currently, the law says that the Form 10 must be filed with an individual's CE Form 1 or CE Form 6. However, now that the Commission uses our electronic filing system for Form 1 and Form 6, language regarding the filing location for the Form 10 should be updated because it is not an electronic form. Additionally, the Commission cannot update the form instructions without an update to the statute, as the form and its instructions are incorporated by reference in the Commission's rules. There were two bills filed last year related to this recommendation: HB 6011 and SB 964.

   Both bills made it through all Committee stops. SB 964 was substituted for HB 6011 and laid on the table. These bills started out almost identical, but HB 6011 was later amended.

The Senate amended HB 6011 to bring back percentage-based comparative value thresholds for financial disclosure. The House refused to concur and requested the Senate to recede. The Senate refused to recede and requested the House to concur. The Bill ultimately died in returning Messages in the House.

Your staff recommends the update of the filing location of Form 10 as a necessary change.

## **Recommendations from 2026 that Did Not Pass**

1. First-Time Fine Waiver for Financial Disclosure

Pursuant to Section 112.3215(5)(d)4., Florida Statutes, a fine is not assessed against a lobbying firm *the first time* any reports for which the lobbying firm is responsible are not timely filed. Staff recommends a similar provision regarding fines for those who have failed to timely file their financial disclosure forms should be introduced, with the caveat that this first-time fine waiver is only applicable if the reporting individual filed his or her form prior to accruing the maximum $1,500 fine, and only if the reporting individual has not previously accrued a $1,500 fine. This would increase efficiency by reducing the number of fine appeals Commission staff have to process. It would also comport with the Commission's ultimate goal of achieving a filing by all filers. Last year, there were two bills on this topic: SB 1622 and HB 1369. SB 1622 passed the Senate and died in House Messages. HB 1369 was referred to three Committees but was not heard by any.

## **2026 Recommendations not Filed in the Legislature**

1. Financial Disclosure Appellate Deadlines

Currently, the law states that the Commission must *receive* a financial disclosure fine appeal within 30 days of the filer receiving notice of his or her appellate rights. However, given that a filer cannot control how long it takes for a piece of mail to arrive at the Commission's office after he or she sends it, staff recommends the law should be amended to consider a mailed appeal timely if the *postmark* date is within the 30-day appellate deadline.

*Sample language:*

112.3145(8)(f)2. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and ~~received by~~ <u>mailed or transmitted to</u> the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. <u>Requests sent via U.S. Mail or a commercial delivery service are considered timely if the postmark date is within the 30-day timeframe.</u>

2. Individuals appointed to fill an elected office

The Commission should consider a recommendation that 112.3144(10) be amended to clarify that individuals appointed to complete the remainder of the term of office for any Form 6 office are required to complete a Form 6 disclosure.

*Sample language:*

112.3144(10) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection. When ~~an elected local officer specified in paragraph (1)(d)~~ a person required to file full and public disclosure of financial interests leaves office before the expiration of his or her term, any individual appointed to replace such officer for the remainder of that term must file a full and public disclosure of financial interests annually thereafter for the remainder of his or her term in office.

3. Ethics Training

Certain public officers are required by law to complete annual ethics training. The statute makes clear that each elected local officer of an independent special district, and each person who is appointed to fill a vacancy for an unexpired term of such elected office, must complete the annual training. However, in the context of elected *municipal officers*, the statute does not have a similar provision for those who are appointed to fill a vacancy for an unexpired term of an elected office.

For purposes of consistency, the same language related to those who are appointed to elected offices of independent special districts should be included for those who are appointed to elected municipal offices.

*Sample language:*

112.3142(b) All elected municipal officers, and each person who is appointed to fill a vacancy for an unexpired term of such elective office, must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.