



26 requiring the commission to complete a preliminary  
27 investigation, including a probable cause  
28 determination, within a specified timeframe; requiring  
29 the commission to complete an investigatory report  
30 within a specified timeframe; authorizing the  
31 commission to extend, for a specified period, the  
32 allowable timeframe to adequately complete a  
33 preliminary investigation if a specified number of  
34 members of the commission determine such extension is  
35 necessary; requiring the commission to document the  
36 reasons for extending such investigation and transmit  
37 a copy of such documentation to the alleged violator  
38 and complainant within a specified timeframe;  
39 requiring the commission to transmit a copy of the  
40 completed report to an alleged violator and to the  
41 counsel representing the commission within a specified  
42 timeframe; requiring such counsel to make a written  
43 recommendation for disposition of a complaint or  
44 referral within a specified timeframe after receiving  
45 the investigatory report; requiring the commission to  
46 transmit such written recommendation to the alleged  
47 violator within a specified timeframe; providing that  
48 the alleged violator has a specified timeframe to  
49 respond in writing to the counsel's written  
50 recommendation; requiring the commission, upon receipt

51 of the counsel's written recommendation, to schedule a  
52 probable cause hearing for the next executive session  
53 of the commission for which notice requirements can be  
54 met; providing that, under specified conditions, the  
55 commission may dismiss complaints or referrals before  
56 completion of a preliminary investigation; providing a  
57 timeframe within which the commission must transmit a  
58 copy of the order finding probable cause to the  
59 complainant and the alleged violator after a finding  
60 of probable cause; specifying that an alleged violator  
61 is entitled to request a formal public hearing before  
62 the Division of Administrative Hearings or may select  
63 an informal public hearing with the commission;  
64 providing that persons are deemed to waive their  
65 rights to a formal or an informal public hearing if  
66 the request is not received within a specified  
67 timeframe; providing the timeframe within which the  
68 commission must conduct an informal public hearing;  
69 requiring the commission to schedule a case that has  
70 been relinquished from the Division of Administrative  
71 Hearings for additional action at the next commission  
72 meeting for which notice requirements can be met;  
73 requiring the commission to complete final action on  
74 such case within a specified timeframe; requiring a  
75 specified number of commissioners to vote to reject or

76 deviate from a written recommendation made by the  
 77 counsel representing the commission; providing that  
 78 specified timeframes are tolled until the completion  
 79 of a related criminal investigation or prosecution,  
 80 excluding appeals, whichever occurs later; providing  
 81 that a harmless error standard applies to the  
 82 commission regarding specified timeframes; providing  
 83 an effective date.

84

85 Be It Enacted by the Legislature of the State of Florida:

86

87 Section 1. Paragraph (b) of subsection (4) of section  
 88 112.3122, Florida Statutes, is amended to read:

89 112.3122 Enforcement and penalties for constitutional  
 90 prohibition against lobbying by a public officer.—

91 (4) A violation of s. 8(f), Art. II of the State  
 92 Constitution may be punished by one or more of the following:

93 (b) A civil penalty not to exceed \$20,000 ~~\$10,000~~.

94 Section 2. Subsection (1) of section 112.321, Florida  
 95 Statutes, is amended to read:

96 112.321 Membership, terms; travel expenses; staff.—

97 (1) The commission shall be composed of nine members. Five  
 98 of these members shall be appointed by the Governor, no more  
 99 than three of whom shall be from the same political party,  
 100 subject to confirmation by the Senate. One member appointed by

101 the Governor shall be a former city or county official and may  
 102 be a former member of a local planning or zoning board which has  
 103 only advisory duties. Two members shall be appointed by the  
 104 Speaker of the House of Representatives, and two members shall  
 105 be appointed by the President of the Senate. Neither the Speaker  
 106 of the House of Representatives nor the President of the Senate  
 107 shall appoint more than one member from the same political  
 108 party. Of the nine members of the commission, no more than five  
 109 members shall be from the same political party at any one time.  
 110 A ~~No~~ member may not hold any public employment. An individual  
 111 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215  
 112 or pursuant to any local government charter or ordinance may not  
 113 serve as a member of the commission, ~~except that this~~  
 114 ~~prohibition does not apply to an individual who is a member of~~  
 115 ~~the commission on July 1, 2006, until the expiration of his or~~  
 116 ~~her current term.~~ A member of the commission may not lobby any  
 117 state or local governmental entity as provided in s. 11.045 or  
 118 s. 112.3215 or as provided by any local government charter or  
 119 ordinance, ~~except that this prohibition does not apply to an~~  
 120 ~~individual who is a member of the commission on July 1, 2006,~~  
 121 ~~until the expiration of his or her current term.~~ All members  
 122 shall serve 2-year terms. A member may not serve more than two  
 123 full terms ~~in succession.~~ Any member of the commission may be  
 124 removed for cause by majority vote of the Governor, the  
 125 President of the Senate, the Speaker of the House of

126 Representatives, and the Chief Justice of the Supreme Court.

127 Section 3. Subsection (7) of section 112.317, Florida  
 128 Statutes, is amended to read:

129 112.317 Penalties.—

130 (7) In any case in which the commission determines that a  
 131 person has filed a complaint against a public officer, an ~~or~~  
 132 employee, or a candidate for public office with a malicious  
 133 intent to injure the reputation of such officer, ~~or~~ employee, or  
 134 candidate by filing the complaint with knowledge that the  
 135 complaint contains one or more false allegations or with  
 136 reckless disregard for whether the complaint contains false  
 137 allegations of fact material to a violation of this part, the  
 138 complainant shall be liable for costs plus reasonable attorney  
 139 fees incurred in the defense of the person complained against,  
 140 including the costs and reasonable attorney fees incurred in  
 141 proving entitlement to and the amount of costs and fees. If the  
 142 complainant fails to pay such costs and fees voluntarily within  
 143 30 days following such finding by the commission, the commission  
 144 shall forward such information to the Department of Legal  
 145 Affairs, which shall bring a civil action in a court of  
 146 competent jurisdiction to recover the amount of such costs and  
 147 fees awarded by the commission.

148 Section 4. Subsections (1) and (3) of section 112.324,  
 149 Florida Statutes, are amended to read:

150 112.324 Procedures on complaints of violations and

151 referrals; public records and meeting exemptions.—

152 (1) The commission shall investigate an alleged violation  
 153 of this part or other alleged breach of the public trust within  
 154 the jurisdiction of the commission as provided in s. 8(f), Art.  
 155 II of the State Constitution:

156 (a) Upon a written complaint executed on a form prescribed  
 157 by the commission and signed under oath or affirmation by any  
 158 person; or

159 (b) Upon receipt of a written referral of a possible  
 160 violation of this part or other possible breach of the public  
 161 trust from the Governor, the Department of Law Enforcement, a  
 162 state attorney, or a United States Attorney ~~which at least six~~  
 163 ~~members of the commission determine is sufficient to indicate a~~  
 164 ~~violation of this part or any other breach of the public trust.~~

165  
 166 Within 5 days after receipt of a complaint or referral by the  
 167 commission ~~or a determination by at least six members of the~~  
 168 ~~commission that the referral received is deemed sufficient,~~ a  
 169 copy must ~~shall~~ be transmitted to the alleged violator.

170 (3) (a) A preliminary investigation must ~~shall~~ be  
 171 undertaken by the commission within 30 days after its receipt of  
 172 each technically and legally sufficient complaint or referral  
 173 over which the commission has jurisdiction to determine whether  
 174 there is probable cause to believe that a violation has  
 175 occurred. A complainant may submit an amended complaint up to 60

176 days after the commission receives the initial complaint. The  
177 probable cause determination is the conclusion of the  
178 preliminary investigation. The commission shall complete the  
179 preliminary investigation, including the probable cause  
180 determination, no later than 1 year after the beginning of the  
181 preliminary investigation.

182 (b) An investigatory report must be completed no later  
183 than 150 days after the beginning of the preliminary  
184 investigation. If, at any one meeting of the commission held  
185 during a preliminary investigation, at least six members of the  
186 commission determine that additional time is necessary to  
187 adequately complete such investigation, the commission may  
188 extend the timeframe to complete the preliminary investigation  
189 by no more than 60 days. During such meeting, the commission  
190 shall document its reasons for extending the investigation and  
191 transmit a copy of such documentation to the alleged violator  
192 and complainant no later than 5 days after the extension is  
193 ordered. The investigatory report must be transmitted to the  
194 alleged violator and to the counsel representing the commission  
195 no later than 5 days after completion of the report. The counsel  
196 representing the commission shall make a written recommendation  
197 to the commission for the disposition of the complaint or  
198 referral no later than 15 days after he or she receives the  
199 completed investigatory report. The commission shall transmit  
200 the counsel's written recommendation to the alleged violator no



201 later than 5 days after its completion. The alleged violator has  
 202 14 days after the mailing date of the counsel's written  
 203 recommendation to respond in writing to the recommendation.

204 (c) Upon receipt of the counsel's written recommendation,  
 205 the commission shall schedule a probable cause hearing for the  
 206 next executive session of the commission for which notice  
 207 requirements can be met.

208 (d) If, ~~upon completion of the preliminary investigation,~~  
 209 the commission finds no probable cause to believe that this part  
 210 has been violated, or that no any other breach of the public  
 211 trust has been committed, the commission must ~~shall~~ dismiss the  
 212 complaint or referral with the issuance of a public report to  
 213 the complainant and the alleged violator, stating with  
 214 particularity its reasons for dismissal. At that time, the  
 215 complaint or referral and all materials relating to the  
 216 complaint or referral ~~shall~~ become a matter of public record.

217 (e) If the commission finds ~~from the preliminary~~  
 218 ~~investigation~~ probable cause to believe that this part has been  
 219 violated or that any other breach of the public trust has been  
 220 committed, it must transmit a copy of the order finding probable  
 221 cause to ~~shall so notify~~ the complainant and the alleged  
 222 violator in writing no later than 5 days after the date of the  
 223 probable cause determination. Such notification and all  
 224 documents made or received in the disposition of the complaint  
 225 or referral ~~shall then~~ become public records. Upon request

226 submitted to the commission in writing, any person who the  
227 commission finds probable cause to believe has violated any  
228 provision of this part or has committed any other breach of the  
229 public trust ~~is shall be~~ entitled to a public hearing and may  
230 elect to have a formal administrative hearing conducted by an  
231 administrative law judge in the Division of Administrative  
232 Hearings. If the person does not elect to have a formal  
233 administrative hearing by an administrative law judge, the  
234 person is entitled to an informal public hearing conducted  
235 before the commission. Such person ~~is shall be~~ deemed to have  
236 waived the right to a formal or an informal public hearing if  
237 the request is not received within 14 days after ~~following~~ the  
238 mailing date of the probable cause notification required by this  
239 paragraph subsection. However, the commission may, on its own  
240 motion, require a formal or an informal public hearing.

241 (f) If the commission conducts an informal public hearing,  
242 it must be held no later than 75 days after the date of the  
243 probable cause determination.

244 (g) If the commission refers a case to the Division of  
245 Administrative Hearings for a formal public hearing and  
246 subsequently requests that the case be relinquished back to the  
247 commission, or if the administrative law judge assigned to the  
248 case relinquishes jurisdiction back to the commission before a  
249 recommended order is entered, the commission must schedule the  
250 case for additional action at the next commission meeting for

251 which notice requirements can be met. At the next subsequent  
252 commission meeting, the commission must complete final action on  
253 such case.

254 (h) The commission, ~~may conduct such further investigation~~  
255 ~~as it deems necessary,~~ and may enter into such stipulations and  
256 settlements as it finds to be just and in the best interest of  
257 the state. The commission is without jurisdiction to, and no  
258 respondent may voluntarily or involuntarily, enter into a  
259 stipulation or settlement which imposes any penalty, including,  
260 but not limited to, a sanction or admonition or any other  
261 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed  
262 only by the appropriate disciplinary authority as designated in  
263 this section.

264 (i) At least six members of the commission must vote to  
265 reject or deviate from a written recommendation of the counsel  
266 representing the commission.

267 (j) If a criminal complaint related to an investigation  
268 pursuant to this section is filed, the timeframes in this  
269 subsection are tolled until completion of the criminal  
270 investigation or prosecution, excluding any appeals from such  
271 prosecution, whichever occurs later.

272 (k) The failure of the commission to comply with the  
273 timeframes provided in this subsection constitutes harmless  
274 error in any related disciplinary action unless a court finds  
275 that the fairness of the proceedings or the correctness of an

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276 action may have been impaired by a material error in procedure  
277 or a failure to follow prescribed procedure.

278 Section 5. This act shall take effect October 1, 2024.