

NEW LAW CREATES STRICTER REQUIREMENTS FOR FILING ETHICS COMPLAINTS AT BOTH STATE AND LOCAL LEVEL

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The Florida Commission on Ethics serves as the primary watchdog for officers and employees of Florida and its political subdivisions. It is the statewide independent commission responsible for investigating complaints of breach of the public trust by public officers and employees and issuing public reports, including of violations pursuant to chapter 112, part III, Florida Statutes, i.e., the Code of Ethics. In addition to the Florida Commission on Ethics, many political subdivisions have their own local ethics commissions, such as the Tallahassee Independent Ethics Board. While these agencies have been responsible for ensuring the integrity of our public institutions for years, [Senate Bill 7014, signed into law](#) by the Governor on June 21, 2024, significantly changes these commissions and their powers.

First, the new law establishes an entirely new requirement that allegations in written complaints submitted to the Florida Commission on Ethics be “based upon personal knowledge or information other than hearsay.” See Ch. 2024-253, § 6, Laws of Fla. (amending § 112.324(1)(a), Fla. Stat.). This requirement will also apply to the procedures adopted by local commissions. See *id.* § 8 (creating § 112.326(2)(b), Fla. Stat.). This new requirement will significantly increase the burden on those submitting ethics complaints, and no longer permit complaints based upon news reports or other secondary authority. Now, those eligible to submit ethics complaints are limited to individuals who: (1) possess firsthand knowledge of the occurrence of a breach of public trust, and (2) are willing to attest to it

publicly. Separately, the new law prohibits the initiation of a complaint or investigation by the governing body of the political subdivision, agency, or any entity created to enforce the standards. See *id.* (creating § 112.326(2)(c), Fla. Stat.). This means that the entity tasked with enforcing the code of ethics is not able to initiate its own investigations.

Lastly, it requires political subdivisions and agencies that adopt their own standards of conduct and disclosure requirements to include a provision establishing a process for the recovery of costs and attorney fees where a complaint has been filed with malicious intent to injure the reputation of the party subject to the complaint, including candidates for office. See *id.* (creating § 112.326(2)(d), Fla. Stat.).

Supporters believe these changes are necessary to prevent the filing of complaints against elected officials for nefarious purposes in election years. They also consider these changes to be common sense solutions for setting a consistent standard statewide, requiring local commissions to meet the same standards as the Florida Commission on Ethics.

Opponents believe that it will raise the threshold so high that the Code of Ethics cannot be enforced, particularly where parties do not generally engage in unethical conduct in view of the public. They also argue the risk of corruption going undiscovered is even greater where eyewitnesses are not willing to identify themselves publicly by personally filing a complaint.

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Glenn represents clients in complex civil and government-related matters throughout Florida and across the country. He is experienced in class actions, governmental investigations and litigation, land use and development litigation, election and political activity law, and administrative proceedings. While much of his practice involves representing corporations against the government, Glenn often represents government agencies and officials. He also consults on drafting proposed legislation and ballot initiatives, conducts internal investigations, and handles appeals in various federal and state jurisdictions.

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Robert focuses his practice on Florida administrative law, regulatory compliance, civil litigation and appeals, government affairs, and election law. Robert primarily advises clients under investigation by various State of Florida agencies and boards including Florida Department of Business and Professional Regulation, Florida Department of Agriculture and Consumer Services, Florida Office of Financial Regulation, and other cabinet-level agencies. He also serves on the Board of Directors of The Young Lawyers Section of the Tallahassee Bar Association.

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Bridget focuses her practice on corporate defense and complex commercial litigation appearing in state and federal courts in Florida and across the nation, as well as before the Judicial Panel on Multidistrict Litigation. Bridget also frequently assists political committees and candidates to navigate Florida’s election and campaign finance laws. Additionally, Bridget is often involved in registering trademarks, obtaining or transferring alcohol licenses, and seeking rule waivers from the Florida Housing Finance Corporation.

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