

March 14, 2024

Hon. Ron DeSantis
Governor, State of Florida
The Capitol 400 S. Monroe St.
Tallahassee, FL 32399-0001
Submitted electronically via flgov.com

RE: Veto Ethics Bill CS/SB 7014

Dear Governor Ron DeSantis,

We, the undersigned, urge you to veto Senate Bill 7014 (“Ethics Bill”), as it would restrict the ability of Floridians to hold officials accountable and defies common legal practice in Florida.

Specifically, the bill requires ethics complaints filed with the Florida Commission on Ethics (“Commission”) to be based on personal knowledge, which is an unreasonably high evidentiary hurdle that has never existed in the 50-year history of the Commission. Instead, complaints should continue to require the filer to certify that the information is true to the best of their knowledge, which already discourages false and frivolous complaints.

The public’s ability to file ethics complaints is essential to ethics enforcement in Florida. The Commission is not permitted to self-initiate an investigation, even if there are credible allegations of violations in public documents such as news reports.¹ Under current law, complaints must be “signed under oath or affirmation”² to attest that that “the facts set forth in the foregoing complaint ... are true and correct to the best of my knowledge and belief.”³ This is a typical requirement at the pleading or complaint stage, often referred to as the “information and belief” standard.⁴

The Ethics Bill fundamentally changes this standard by requiring complaints to be “based on personal knowledge or information other than hearsay.” This evidentiary standard is perniciously high and one that most Floridians who learn of possible ethics violations cannot meet. Indeed, all Floridians are injured by ethics violations,

¹ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* (2024) 28, <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=202436>.

² F.S.A. § 112.324(1)(a).

³ Florida Commission on Ethics Complaint Form, <https://ethics.state.fl.us/Documents/Forms/Complaint%20Form.PDF?cp=202436> (last visited March 14, 2024).

⁴ See Cornell Law School Legal Information Institute, “Information and Belief,” https://www.law.cornell.edu/wex/information_and_belief.

which harm the public-at-large's trust in government, but by democratic design, many do not have personal knowledge of the violations because they have entrusted the work of government to their elected officials.

In addition to significantly reducing the ability for the public to file complaints, the new standard is contrary to basic legal principles for filing complaints in any context in Florida. For example, Florida's rules on civil procedure require no such standard in complaints.⁵ Complaints are "merely a tentative outline of the position which the pleader takes before the case is fully developed on the facts....[so] pleadings are inadmissible as evidence to prove the facts alleged therein."⁶ Personal knowledge requirements come into play during discovery and early stages of proceedings, when fact finders are gathering and affirming evidence, or in some cases where a complainant seeks to give a complaint evidentiary weight.⁷

Whether intentional or not, the Ethics Bill creates an unreasonable barrier and deterrent for members of the public seeking to assist the Commission with ethics enforcement. This bill allows unethical conduct to continue unchecked, thereby diminishing public trust in the Sunshine State.

For these reasons, we respectfully ask that you veto the Ethics Bill.

Sincerely,

Kedric L. Payne
Vice President
Campaign Legal Center

Amy Keith
Executive Director
Common Cause Florida

Letitia Harmon
Policy and Research Director

Caroline Klancke
Executive Director

⁵ Fla. R. Civ. P. 1.110 ("In dealing with complaints, petitions, counterclaims and cross-claims, the rule requires that they must state a cause of action, set forth a plain statement of the ultimate facts on which the pleader relies, contain allegations of fact sufficient to show the jurisdiction of the court and contain a demand for judgment or decree for the relief to which the pleader deems himself entitled."); *See, e.g., Wells Fargo Bank, N.A. v. Taboada*, 93 So. 3d 1073, 1075 (Fla. Dist. Ct. App. 2012)

(rejecting the assertion that rule 1.110(b) required verification of mortgage foreclosure complaints as true and correct, as opposed to true and correct based on the affiant's information and belief);

⁶ *Hines v. Trager Const. Co.*, 188 So. 2d 826, 831 (Fla. Dist. Ct. App. 1966).

⁷ *See, e.g., Greenspire Glob., Inc. v. Sarasota Green Grp., LLC*, 363 So. 3d 1150, 1152 (Fla. Dist. Ct. App. 2023) (Denying a plaintiff's efforts to use a complaint to satisfy the evidentiary requirements for pleading punitive damages because the unverified complaint was not considered evidence and the affidavit plaintiff used to "attempt to imbue the complaint and exhibits with evidentiary import" did not contain personal knowledge); *Ballinger v. Bay Gulf Credit Union*, 51 So. 3d 528, 529 (Fla. Dist. Ct. App. 2010) (noting that a verified complaint can serve as evidence in support or opposition of a motion for summary judgment if it meets the requirements governing affidavits, namely that it must be based on personal knowledge).

Florida Rising

Cecile M. Scoon, Esq.
Co-President
League of Women Voters of
Florida

Jasmine Burney Clark
Founder
Equal Ground Action Fund

Juanica Fernandes
Executive Director
State Voices Florida

Florida Ethics Institute

Adora Obi Nweze
President
NAACP Florida State Conference

Ben Wilcox
Research Director
Integrity Florida