

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE CIVIL DIVISION: AY
CASE NO.: 50-2024-CA-009650-XXA-MB

RONALD BOOK,
Petitioner
vs.

PALM BEACH COUNTY
COMMISSION ON ETHICS,
Respondent,

_____ /

Opinion filed: July 14, 2025

Petition from Palm Beach County Commission on Ethics

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PER CURIAM

Petitioner, Ronald Book, seeks review of a quasi-judicial “Public Report and Final Order” (“Final Order”) entered by the Palm Beach County Commission on Ethics (the “Commission”). The Final Order found that Petitioner had committed an ethics violation of Section 2-260(b)(2) of the Palm Beach County Code of Ethics.

On April 18, 2024, a Self-Initiated Complaint was filed by Christie E. Kelley, the Executive Director of the Palm Beach County Commission on Ethics, against Ronald Book. The complaint was filed pursuant to Section 2-260(b)(2) of the PBC Commission on Ethics Ordinance. On June

21, 2024, Section 112.326 of the Florida Statutes was amended to add additional statutory requirements for a political subdivision to be able to regulate additional standards of conduct and impose additional disclosure requirements beyond Chapter 112 of the Florida Statutes.

Specifically, the relevant statutory language at issue in this petition, states:

112.326 Additional requirements by political subdivisions and agencies not prohibited; certain procedures preempted.—

(1) Except as provided in subsection (2), this part does not prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

(2) If a political subdivision or an agency adopts by ordinance or rule additional or more stringent standards of conduct and disclosure requirements pursuant to subsection (1), any noncriminal complaint procedure must:

(a) Require a complaint to be written and signed under oath or affirmation by the person making the complaint.

(b) Require a complaint to be based upon personal knowledge or information other than hearsay.

(c) Prohibit the initiation of a complaint or investigation by the governing body of the political subdivision, agency, or any entity created to enforce the standards.

(d) Include a provision establishing a process for the recovery of costs and attorney fees for public officers, public employees, or candidates for public office against a person found by the governing body of the political subdivision, agency, or entity created to enforce the standards to have filed the complaint with a malicious intent to injure the reputation of such officer, employee, or candidate by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation.

(3) Any existing or future ordinance or rule adopted by a political subdivision or an agency which is in conflict with subsection (2) is void.

Fla. Stat. § 112.326

After the change of the law in June of 2024, the Commission rendered a probable cause determination as to the complaint filed against Mr. Book on July 29, 2024. A Motion to Dismiss Proceeding was submitted by Mr. Book on July 29, 2024. The Motion to

Dismiss was denied by the Commission on September 5, 2024. A letter of instruction was issued on September 5, 2024 with a Public Report and Final Order. This Petition for Writ of Certiorari followed.

Legal Analysis

In interpreting Section 112.326 of the Florida Statutes, the Court looks to the plain language of the statute utilizing textual and structural clues. *Conage v. United States*, 346 So. 3d 594, 598 (Fla. 2022). In other words, the Court looked at the text of the statute itself as well as the broader context of the statute as a whole. *Id.*

By looking at the text and context of the statute, the heading clearly indicates that additional requirements by political subdivisions and agencies are not prohibited, but certain procedures will be preempted. Section 112.326(3) of the Florida Statutes states that an existing ordinance or rule adopted by a political subdivision that conflict with subsection two (2) is “void”. As defined by the Black’s Law Dictionary, void means to have no legal force or binding effect. *See Void, Black’s Law Dictionary* (12th ed. 2024). Accordingly, the plain text of the statute dictates that any procedure that conflicts with the requirements of subsection two (2) will have no legal force or binding effect.

Under subsection two (2), any noncriminal complaint procedure adopted by a political subdivision must require that complaints be written, signed under oath or affirmation by the person making the complaint, and be based on personal knowledge or information other than hearsay. In addition, Section 112.326(2)(c) states that the noncriminal complaint procedure must “[p]rohibit the initiation of a complaint or investigation by the governing body of the political subdivision, agency, or any entity created to enforce the standards.”

The parties do not dispute that the legislative change at issue in this Petition occurred before the proceedings below were concluded by the Commission. As of June 21, 2024, portions of Section 2-260 of the PBC Commission on Ethics Ordinance that conflicted with the statutory change became void. This includes the portion of the Palm Beach County ordinance authorizing a self-initiated complaint and investigation by the Commission. The Court finds that continuing the proceedings without a legally sufficient complaint and continuing the investigation when there was not authority to do same was a departure from the essential requirements of the law. *See State, Dep't of Highway Safety & Motor Vehicles v. Sarmiento*, 989 So. 2d 692, 693 (Fla. 4th DCA 2008).

The Court does not find the Commission's argument that there can be no retroactive application of Section 112.326 of the Florida Statutes to be persuasive. First, the plain language of Florida Statute Section 112.326 states that if there is a conflict, the local existing ordinance will be void. *See Am. Optical Corp. v. Spiewak*, 73 So. 3d 120, 130 (Fla. 2011) (discussing the express language of the statute and the application of the two-part test utilized to determine whether a statute may be applied retroactively). Second, simply because local ethics agencies were previously unregulated does not give the local government a vested substantive right of regulation. *See Cole v. Universal Prop. & Cas. Ins. Co.*, 363 So. 3d 1089, 1091 (Fla. 4th DCA 2023) (explaining that substantive law sets rights and duties and procedural law sets the means and methods to enforce and apply the rights).

Accordingly, Petitioner, Ronald Book's Petition for Writ of Certiorari is **GRANTED** and the Final Order entered by the Commission is **QUASHED**. This case is remanded for further proceedings consistent with this opinion.

(MULLINAX, ROWE, SURBER, JJ. concur.)