

Committee on Ethics and Elections

HB 7009 — Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position

by Public Integrity and Ethics Committee and Rep. Byrd (SB 7006 by Ethics and Elections Committee)

The bill reenacts s. 112.317, F.S., which provides penalties for violations of the Florida Code of Ethics for Public Officers and Employees and for any violation of Art. II, s. 8, State Constitution.

The reenactment of s. 112.317, F.S., will make the section applicable to amendments to the State Constitution by Amendment 12 adopted in the 2018 general election. The amended constitutional language prohibits a public officer or public employee from abusing his or her public position in order to obtain a disproportionate benefit. Penalties under s. 112.317, F.S., include impeachment and removal from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution, among other punishments.

Amendment 12 provides that the abuse of public position prohibition takes effect on December 31, 2020. The amendment also requires the Legislature to enact implementing legislation establishing penalties for violations of the prohibition to take effect on the same day.

The bill's reenactment of s. 112.317, F.S., effective December 31, 2020, makes the penalty provisions of the section applicable to the constitutional prohibition. This meets the requirement of the Amendment 12 schedule language.

If approved by the Governor, these provisions take effect December 31, 2020.

Vote: Senate 36-0; House 118-0