

1                   A bill to be entitled  
2           An act relating to public officers and  
3           employees; amending s. 112.3173, F.S., which  
4           provides for the forfeiture of retirement  
5           benefits by a public officer or employee  
6           convicted of specified felony offenses  
7           involving breach of the public trust or whose  
8           office or employment is terminated by reason of  
9           his or her commission or aiding in the  
10          commission of such offense; specifying  
11          additional offenses for which such forfeiture  
12          is required; providing that certain spouses or  
13          joint annuitants shall remain eligible for the  
14          benefits upon such forfeiture; providing an  
15          effective date.

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

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19           Section 1. Paragraph (e) of subsection (2) of section  
20 112.3173, Florida Statutes, is amended to read:

21           112.3173 Felonies involving breach of public trust and  
22 other specified offenses by public officers and employees;  
23 forfeiture of retirement benefits.--

24           (2) DEFINITIONS.--As used in this section, unless the  
25 context otherwise requires, the term:

26           (e) "Specified offense" means:

27           1. The committing, aiding, or abetting of an  
28 embezzlement of public funds;

29           2. The committing, aiding, or abetting of any theft by  
30 a public officer or employee from his or her employer;

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1           3. Bribery in connection with the employment of a  
2 public officer or employee;

3           4. Any felony specified in chapter 838, except ss.  
4 838.15 and 838.16;

5           5. The committing of an impeachable offense; ~~or~~

6           6. The committing of any felony by a public officer or  
7 employee who, willfully and with intent to defraud the public  
8 or the public agency for which the public officer or employee  
9 acts or in which he or she is employed of the right to receive  
10 the faithful performance of his or her duty as a public  
11 officer or employee, realizes or obtains, or attempts to  
12 realize or obtain, a profit, gain, or advantage for himself or  
13 herself or for some other person through the use or attempted  
14 use of the power, rights, privileges, duties, or position of  
15 his or her public office or employment position; ~~or~~

16           7. The use by a public officer or employee of his or  
17 her official position to commit any second degree felony or  
18 greater violation of chapter 794, chapter 800, or chapter 827;  
19 or

20           8. The committing of a second degree felony or greater  
21 violation by a public officer or employee that involves the  
22 use of his or her official position or any public property or  
23 resource that may be within his or her official trust to  
24 secure an illegal privilege, benefit, or exemption for  
25 himself, herself, or others.

26           (3) FORFEITURE.--

27           Any public officer or employee who is convicted of a  
28 specified offense committed prior to retirement, or whose  
29 office or employment is terminated by reason of his or her  
30 admitted commission, aid, or abetment of a specified offense,  
31 shall forfeit all rights and benefits under any public

1 retirement system of which he or she is a member, ~~except for~~  
2 ~~the return of~~; however, notwithstanding any other provision  
3 of law to the contrary, if such a public officer or employee  
4 is a member of a public retirement system and has a spouse or  
5 other named beneficiary who qualifies as a joint annuitant, it  
6 shall be assumed that such member's death occurred on the date  
7 of the forfeiture of his or her rights and benefits, and the  
8 spouse or other named beneficiary who qualifies as a joint  
9 annuitant shall be eligible to receive the benefits provided  
10 under the joint and survivor benefit provisions of the  
11 retirement plan. If no spouse or other named beneficiary who  
12 qualifies as a joint annuitant exists, such member shall be  
13 eligible to receive only a return of his or her accumulated  
14 contributions as of the date of termination.

15 Section 2. This act shall take effect October 1, 1997.

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