

By Representative Futch

1                                   A bill to be entitled  
2           An act relating to culpable negligence;  
3           creating s. 812.030, F.S.; providing  
4           definitions; specifying the offense of culpable  
5           negligence causing public financial injury;  
6           specifying elements of the offense; providing  
7           penalties; requiring certain notice in certain  
8           state contracts; specifying that failure to  
9           provide such notice does not constitute a  
10          defense to the offense; providing for  
11          prosecuting such offenses; providing an  
12          effective date.

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

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16           Section 1.   Section 812.030, Florida Statutes, is  
17          created to read:

18                   812.030 Culpable negligence causing public financial  
19          injury.--

20                   (1) For purposes of this act:

21                   (a) "Culpable negligence" means negligence of a gross  
22          and flagrant character which evinces a reckless disregard for  
23          public property and is so outrageous as to raise a presumption  
24          that the offender was indifferent to the consequences of his  
25          or her action or inaction.

26                   (b) "Public property" means property, as defined in s.  
27          812.012, which is owned by the state, any state agency, or any  
28          political subdivision of the state.

29                   (c) "State" means the state or any agency or political  
30          subdivision of the state.

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1           (2)(a) A person commits the offense of culpable  
2 negligence causing public financial injury if the state has  
3 given such person custody and control of public property, by  
4 any means, including, but not limited to, oral, written, or  
5 tacit contract, without regard to whether a fiduciary  
6 relationship exists between such person and the state, and  
7 such person, through culpable negligence, acts or fails to act  
8 to cause losses in the value of such property of \$100,000 or  
9 more in any 12-month period under circumstances which would  
10 reasonably indicate that a loss of value of such property  
11 would follow in the ordinary course of business or when such a  
12 loss could reasonably be foreseen even though such person did  
13 not actually intend the loss.

14           (b) If the loss sustained is valued at \$100,000 or  
15 more, but less than \$1 million, the person commits culpable  
16 negligence in the second degree, a misdemeanor of the first  
17 degree, punishable as provided in ss. 775.082 and 775.083.

18           (c) If the loss sustained is valued at \$1 million or  
19 more, the person commits culpable negligence of the first  
20 degree, a felony of the third degree, punishable as provided  
21 in ss. 775.082, 775.083, 775.084, and 921.0024.

22           (3) Any state contract with a contract value of  
23 \$50,000 or more shall include notice of the provisions of  
24 subsection (2). Failure to provide this notice shall not  
25 constitute a defense to the crime of culpable negligence  
26 causing public financial injury.

27           (4) Prosecutions for violations of this section may be  
28 brought on behalf of the state by any state attorney or by the  
29 statewide prosecutor.

30           Section 2. This act shall take effect July 1 of the  
31 year in which enacted.

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HOUSE SUMMARY

Specifies the offense of culpable negligence causing public financial injury and the elements of the offense and provides criminal penalties for committing such offense. Requires state contracts to provide notice of the elements of such offense and provides that failure to provide such notice is not a defense. Provides for prosecuting such offenses. See bill for details.