

By Senator Campbell

33-22A-99

See HB

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.

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

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, 1999.

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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.