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A bill to be entitled
An act relating to offenses by public officers and employees; amending s. 112.3173, F.S.; providing that a public officer or employee convicted of child abuse, aggravated child abuse, or neglect of a child shall forfeit certain benefits; providing an effective date.

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

Section 1. Section 112.3173, Florida Statutes, is amended to read:

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

(1) INTENT.--It is the intent of the Legislature to implement the provisions of s. 8(d), Art. II of the State Constitution.

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

(a) "Conviction" and "convicted" mean an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or of nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

(b) "Court" means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.

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29 (c) "Public officer or employee" means an officer or
30 employee of any public body, political subdivision, or public
31 instrumentality within the state.

32 (d) "Public retirement system" means any retirement system
33 or plan to which the provisions of part VII of this chapter
34 apply.

35 (e) "Specified offense" means:

36 1. The committing, aiding, or abetting of an embezzlement
37 of public funds;

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

40 3. Bribery in connection with the employment of a public
41 officer or employee;

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

44 5. Child abuse, aggravated child abuse, or neglect of a
45 child, as defined in s. 827.03;

46 ~~6.5.~~ The committing of an impeachable offense; or

47 ~~7.6.~~ The committing of any felony by a public officer or
48 employee who, willfully and with intent to defraud the public or
49 the public agency for which the public officer or employee acts
50 or in which he or she is employed of the right to receive the
51 faithful performance of his or her duty as a public officer or
52 employee, realizes or obtains, or attempts to realize or obtain,
53 a profit, gain, or advantage for himself or herself or for some
54 other person through the use or attempted use of the power,
55 rights, privileges, duties, or position of his or her public
56 office or employment position.

57 (3) FORFEITURE.--

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58 (a) Any public officer or employee who is convicted of a
59 specified offense committed prior to retirement, or whose office
60 or employment is terminated by reason of his or her admitted
61 commission, aid, or abetment of a specified offense, shall
62 forfeit all rights and benefits under any public retirement
63 system of which he or she is a member, except for the return of
64 his or her accumulated contributions as of the date of
65 termination.

66 (b) Any public officer or employee who is convicted of
67 child abuse, aggravated child abuse, or neglect of a child, as
68 defined in s. 827.03, if the offense was committed prior to
69 retirement, shall, in addition to the penalty provided in
70 paragraph (a), forfeit the right to payment of unused
71 accumulated sick leave and shall be ineligible for the payment
72 of salary for any period during which the employee was suspended
73 pending investigation of, or trial on, the charge of child
74 abuse.

75 (4) NOTICE.--

76 (a) The clerk of a court in which a proceeding involving a
77 specified offense is being conducted against a public officer or
78 employee shall furnish notice of the proceeding to the
79 Commission on Ethics. Such notice is sufficient if it is in the
80 form of a copy of the indictment, information, or other document
81 containing the charges. In addition, if a verdict of guilty is
82 returned by a jury or by the court trying the case without a
83 jury, or a plea of guilty or of nolo contendere is entered in
84 the court by the public officer or employee, the clerk shall
85 furnish a copy thereof to the Commission on Ethics.

86 (b) The Secretary of the Senate shall furnish to the
87 Commission on Ethics notice of any proceeding of impeachment

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88 being conducted by the Senate. In addition, if such trial
 89 results in conviction, the Secretary of the Senate shall furnish
 90 notice of the conviction to the commission.

91 (c) The employer of any member whose office or employment
 92 is terminated by reason of his or her admitted commission, aid,
 93 or abetment of a specified offense shall forward notice thereof
 94 to the commission.

95 (d) The Commission on Ethics shall forward any notice and
 96 any other document received by it pursuant to this subsection to
 97 the governing body of the public retirement system of which the
 98 public officer or employee is a member or from which the public
 99 officer or employee may be entitled to receive a benefit. When
 100 called on by the Commission on Ethics, the Department of
 101 Management Services shall assist the commission in identifying
 102 the appropriate public retirement system.

103 (5) FORFEITURE DETERMINATION.--

104 (a) Whenever the official or board responsible for paying
 105 benefits under a public retirement system receives notice
 106 pursuant to subsection (4), or otherwise has reason to believe
 107 that the rights and privileges of any person under such system
 108 are required to be forfeited under this section, such official
 109 or board shall give notice and hold a hearing in accordance with
 110 chapter 120 for the purpose of determining whether such rights
 111 and privileges are required to be forfeited. If the official or
 112 board determines that such rights and privileges are required to
 113 be forfeited, the official or board shall order such rights and
 114 privileges forfeited.

115 (b) Any order of forfeiture of retirement system rights
 116 and privileges is appealable to the district court of appeal.

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117 (c) The payment of retirement benefits ordered forfeited,
 118 except payments drawn from nonemployer contributions to the
 119 retiree's account, shall be stayed pending an appeal as to a
 120 felony conviction. If such conviction is reversed, no retirement
 121 benefits shall be forfeited. If such conviction is affirmed,
 122 retirement benefits shall be forfeited as ordered in this
 123 section.

124 (d) If any person's rights and privileges under a public
 125 retirement system are forfeited pursuant to this section and
 126 that person has received benefits from the system in excess of
 127 his or her accumulated contributions, such person shall pay back
 128 to the system the amount of the benefits received in excess of
 129 his or her accumulated contributions. If he or she fails to pay
 130 back such amount, the official or board responsible for paying
 131 benefits pursuant to the retirement system or pension plan may
 132 bring an action in circuit court to recover such amount, plus
 133 court costs.

134 (6) FORFEITURE NONEXCLUSIVE.--

135 (a) The forfeiture of retirement rights and privileges
 136 pursuant to this section is supplemental to any other forfeiture
 137 requirements provided by law.

138 (b) This section does not preclude or otherwise limit the
 139 Commission on Ethics in conducting under authority of other law
 140 an independent investigation of a complaint which it may receive
 141 against a public officer or employee involving a specified
 142 offense.

143 Section 2. This act shall take effect upon becoming a law.