

Bill No. CS for SB 2848

Barcode 114500

CHAMBER ACTION

Senate

House

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The Committee on Finance and Tax (Geller) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, between lines 17 and 18,

insert:

Section 2. Section 112.3136, Florida Statutes, is created to read:

112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.--The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, are public officers and employees who are subject to the following standards of conduct of this part:

(1) Section 112.313, and their "agency" is the

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1 political subdivision that they serve; however, the contract
2 under which the business entity serves as chief executive or
3 administrative officer of the political subdivision is not
4 deemed to violate s. 112.313(3).

5 (2) Section 112.3145, as a "local officer."

6 (3) Sections 112.3148 and 112.3149, as a "reporting
7 individual."

8 Section 3. Paragraph (e) is added to subsection (1) of
9 section 112.317, Florida Statutes, to read:

10 112.317 Penalties.--

11 (1) Violation of any provision of this part,
12 including, but not limited to, any failure to file any
13 disclosures required by this part or violation of any standard
14 of conduct imposed by this part, or violation of any provision
15 of s. 8, Art. II of the State Constitution, in addition to any
16 criminal penalty or other civil penalty involved, shall, under
17 applicable constitutional and statutory procedures, constitute
18 grounds for, and may be punished by, one or more of the
19 following:

20 (e) In the case of a person who is subject to the
21 standards of this part, other than a lobbyist or lobbying firm
22 under s. 112.3215 for a violation of s. 112.3215, but who is
23 not a public officer or employee:

- 24 1. Public censure and reprimand.
- 25 2. A civil penalty not to exceed \$10,000.
- 26 3. Restitution of any pecuniary benefits received
27 because of the violation committed. The commission may
28 recommend that the restitution penalty be paid to the agency
29 of the person or to the General Revenue Fund.

30 Section 4. Paragraph (d) of subsection (8) of section
31 112.324, Florida Statutes, is amended to read:

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1 112.324 Procedures on complaints of violations; public
2 records and meeting exemptions.--

3 (8) If, in cases pertaining to complaints other than
4 complaints against impeachable officers or members of the
5 Legislature, upon completion of a full and final investigation
6 by the commission, the commission finds that there has been a
7 violation of this part or of s. 8, Art. II of the State
8 Constitution, it shall be the duty of the commission to report
9 its findings and recommend appropriate action to the proper
10 disciplinary official or body as follows, and such official or
11 body shall have the power to invoke the penalty provisions of
12 this part, including the power to order the appropriate
13 elections official to remove a candidate from the ballot for a
14 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
15 State Constitution:

16 (d) Except as otherwise provided by this part, the
17 Governor, in the case of any other public officer, public
18 employee, former public officer or public employee, candidate,
19 or former candidate, or person who is not a public officer or
20 employee, other than lobbyists and lobbying firms under s.
21 112.3215 for violations of s. 112.3215.

22
23 (Redesignate subsequent sections.)

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, lines 2-7, delete those lines

29
30 and insert:

31 An act relating to municipalities; prohibiting

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1 counties from requiring certain municipalities
2 to pay charges, assessments, taxes, fees, or
3 other consideration for certain residents'
4 actions; providing that the provisions of the
5 act are not preempted by law; creating s.
6 112.3136, F.S.; specifying standards of conduct
7 for officers and employees of entities serving
8 as the chief administrative officer of a
9 political subdivision; amending s. 112.317,
10 F.S.; providing for penalties to be imposed
11 against persons other than lobbyists or public
12 officers and employers; amending s. 112.324,
13 F.S.; providing for the commission to report to
14 the Governor violations involving persons other
15 than lobbyists or public officers and
16 employees;

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