Florida Senate - 2007

By Senator Rich

34-549-07

1 3 $[a_{1}]$ $+$ 1 $ +$ $+$ 1 $ -$	
1 A bill to be entitled	
2 An act relating to the code of ethics for	
3 public officers and employees and others;	
4 creating s. 112.3136, F.S.; prescribing	
5 standards of conduct that are applicable to	
6 specified officers and employees of a business	
7 entity serving as chief administrative or	
8 executive officer of a political subdivision;	
9 amending s. 112.317, F.S.; providing penalties	
10 for violations by persons subject to standards	
11 of conduct though not public officers or	
12 employees; amending s. 112.324, F.S.;	
13 prescribing the "proper disciplinary official"	
14 for violations of standards of conduct by	
15 persons who are not public officers or	
16 employees; providing an effective date.	
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18 Be It Enacted by the Legislature of the State of Florida	:
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20 Section 1. Section 112.3136, Florida Statutes, i	S
21 created to read:	
22 <u>112.3136</u> Standards of conduct for officers and	
23 employees of an entity serving as chief administrative o	r
24 executive officer of political subdivisionThe officer	s,
25 directors, and chief executive officer of a business ent	ity
26 that is serving as the chief administrative or executive	
27 officer or employee of a political subdivision, and any	
28 employee of the business entity who is acting as the chi	<u>ef</u>
29 administrative or executive officer or employee of the	
30 political subdivision, are public officers and employees	
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1 subject to the standards of conduct described in the following 2 sections: 3 (1) Section 112.313, and their "agency" is the 4 political subdivision that they serve; however, the contract 5 under which the business entity serves as chief executive or 6 administrative officer of the political subdivision may not be 7 deemed to violate s. 112.313(3). (2) Section 112.3145, as a "local officer." 8 9 (3) Sections 112.3148 and 112.3149, as a "reporting" 10 individual." Section 2. Paragraph (e) is added to subsection (1) of 11 12 section 112.317, Florida Statutes, to read: 13 112.317 Penalties.--(1) Violation of any provision of this part, 14 including, but not limited to, any failure to file any 15 disclosures required by this part or violation of any standard 16 17 of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any 18 criminal penalty or other civil penalty involved, shall, under 19 applicable constitutional and statutory procedures, constitute 20 21 grounds for, and may be punished by, one or more of the 22 following: 23 (e) In the case of a person who is subject to the standards of this part, other than a lobbyist or lobbying firm 2.4 25 under s. 112.3215 for a violation of s. 112.3215, but who is not a public officer or employee: 26 27 1. Public censure and reprimand. 2.8 2. A civil penalty not to exceed \$10,000. 3. Restitution of any pecuniary benefits received 29 30 because of the violation committed. The commission may 31

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1 recommend that the restitution penalty be paid to the agency 2 of the person or to the General Revenue Fund. Section 3. Paragraph (d) of subsection (8) of section 3 112.324, Florida Statutes, is amended to read: 4 5 112.324 Procedures on complaints of violations; public б records and meeting exemptions .--7 (8) If, in cases pertaining to complaints other than 8 complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation 9 10 by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State 11 12 Constitution, it shall be the duty of the commission to report 13 its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or 14 body shall have the power to invoke the penalty provisions of 15 this part, including the power to order the appropriate 16 17 elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the 18 State Constitution: 19 (d) Except as otherwise provided by this part, the 20 21 Governor, in the case of any other public officer, public 22 employee, former public officer or public employee, candidate, 23 or former candidate, or person who is not a public officer or employee, other than a lobbyist or lobbying firm under s. 2.4 112.3215 for a violation of s. 112.3215. 25 Section 4. This act shall take effect October 1, 2007. 26 27 28 29 30 31

SB 724

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2	SENATE SUMMARY
3	Subjects officers, directors, and certain employees of a business entity that is serving as the chief
4	administrative or executive officer or employee of a political subdivision to specified standards of conduct
5	applicable to public officers and employees. Provides for enforcement of the standards and penalties for their
б	violation.
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SB 724

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