

By Senator Constantine

22-00220-08

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1 A bill to be entitled

2 An act relating to local government; creating s. 112.3136,
3 F.S.; specifying standards of conduct for officers and
4 employees of entities serving as the chief administrative
5 officer of a political subdivision; amending s. 112.317,
6 F.S.; providing for penalties to be imposed against
7 persons other than lobbyists or public officers and
8 employers; amending s. 112.324, F.S.; providing for the
9 commission to report to the Governor violations involving
10 persons other than lobbyists or public officers and
11 employees; providing an effective date.

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

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15 Section 1. Section 112.3136, Florida Statutes, is created
16 to read:

17 112.3136 Standards of conduct for officers and employees of
18 entities serving as chief administrative officer of political
19 subdivisions.--The officers, directors, and chief executive
20 officer of a corporation, partnership, or other business entity
21 that is serving as the chief administrative or executive officer
22 or employee of a political subdivision, and any business entity
23 employee who is acting as the chief administrative or executive
24 officer or employee of the political subdivision, are public
25 officers and employees who are subject to the following standards
26 of conduct of this part:

27 (1) Section 112.313, and their "agency" is the political
28 subdivision that they serve; however, the contract under which
29 the business entity serves as chief executive or administrative

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30 officer of the political subdivision is not deemed to violate s.
31 112.313(3).

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

33 (3) Sections 112.3148 and 112.3149, as a "reporting
34 individual."

35 Section 2. Paragraph (e) is added to subsection (1) of
36 section 112.317, Florida Statutes, to read:

37 112.317 Penalties.--

38 (1) Violation of any provision of this part, including, but
39 not limited to, any failure to file any disclosures required by
40 this part or violation of any standard of conduct imposed by this
41 part, or violation of any provision of s. 8, Art. II of the State
42 Constitution, in addition to any criminal penalty or other civil
43 penalty involved, shall, under applicable constitutional and
44 statutory procedures, constitute grounds for, and may be punished
45 by, one or more of the following:

46 (e) In the case of a person who is subject to the standards
47 of this part, other than a lobbyist or lobbying firm under s.
48 112.3215 for a violation of s. 112.3215, but who is not a public
49 officer or employee:

50 1. Public censure and reprimand.

51 2. A civil penalty not to exceed \$10,000.

52 3. Restitution of any pecuniary benefits received because
53 of the violation committed. The commission may recommend that the
54 restitution penalty be paid to the agency of the person or to the
55 General Revenue Fund.

56 Section 3. Paragraph (d) of subsection (8) of section
57 112.324, Florida Statutes, is amended to read:

58 112.324 Procedures on complaints of violations; public

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59 records and meeting exemptions.--

60 (8) If, in cases pertaining to complaints other than
61 complaints against impeachable officers or members of the
62 Legislature, upon completion of a full and final investigation by
63 the commission, the commission finds that there has been a
64 violation of this part or of s. 8, Art. II of the State
65 Constitution, it shall be the duty of the commission to report
66 its findings and recommend appropriate action to the proper
67 disciplinary official or body as follows, and such official or
68 body shall have the power to invoke the penalty provisions of
69 this part, including the power to order the appropriate elections
70 official to remove a candidate from the ballot for a violation of
71 s. 112.3145 or s. 8(a) and (i), Art. II of the State
72 Constitution:

73 (d) Except as otherwise provided by this part, the
74 Governor, in the case of any other public officer, public
75 employee, former public officer or public employee, candidate, or
76 former candidate, or person who is not a public officer or
77 employee, other than lobbyists and lobbying firms under s.
78 112.3215 for violations of s. 112.3215.

79 Section 4. This act shall take effect July 1, 2008.