

By the Committee on Governmental Operations; and Senators  
Constantine, Atwater, Justice, Jones and Rich

585-04034-08

2008322c1

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.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
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, for the  
25 purposes of the following sections, are public officers and  
26 employees who are subject to the following standards of conduct  
27 of this part:

28 (1) Section 112.313, and their "agency" is the political  
29 subdivision that they serve; however, the contract under which

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30 the business entity serves as chief executive or administrative  
31 officer of the political subdivision is not deemed to violate s.  
32 112.313(3).

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

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

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

38 112.317 Penalties.--

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

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

51 1. Public censure and reprimand.

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

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

57 Section 3. Paragraph (d) of subsection (8) of section  
58 112.324, Florida Statutes, is amended to read:

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59           112.324 Procedures on complaints of violations; public  
60 records and meeting exemptions.--

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

74           (d) Except as otherwise provided by this part, the  
75 Governor, in the case of any other public officer, public  
76 employee, former public officer or public employee, candidate, or  
77 former candidate, or person who is not a public officer or  
78 employee, other than lobbyists and lobbying firms under s.  
79 112.3215 for violations of s. 112.3215.

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