

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 employees for violations of the Code of Ethics for Public
 9 Officers and Employees; amending s. 112.324, F.S.;
 10 providing for the Commission on Ethics to report to the
 11 Governor violations involving persons other than lobbyists
 12 or public officers and employees; providing an effective
 13 date.

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

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 17 Section 1. Section 112.3136, Florida Statutes, is created
 18 to read:

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

29 of this part:

30 (1) Section 112.313, and their "agency" is the political
 31 subdivision that they serve; however, the contract under which
 32 the business entity serves as chief executive or administrative
 33 officer of the political subdivision is not deemed to violate s.
 34 112.313(3) or (7).

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

36 (3) Sections 112.3148 and 112.3149, as a "reporting
 37 individual."

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

40 112.317 Penalties.--

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

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

53 1. Public censure and reprimand.

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

55 3. Restitution of any pecuniary benefits received because
 56 of the violation committed. The commission may recommend that

57 the restitution penalty be paid to the agency of the person or
 58 to the General Revenue Fund.

59 Section 3. Paragraph (d) of subsection (8) of section
 60 112.324, Florida Statutes, is amended to read:

61 112.324 Procedures on complaints of violations; public
 62 records and meeting exemptions.--

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

76 (d) Except as otherwise provided by this part, the
 77 Governor, in the case of any other public officer, public
 78 employee, former public officer or public employee, candidate,
 79 or former candidate, or person who is not a public officer or
 80 employee, other than lobbyists and lobbying firms under s.
 81 112.3215 for violations of s. 112.3215.

82 Section 4. This act shall take effect July 1, 2009.