

By Senator Gelber

35-01271-09

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1                   A bill to be entitled  
2           An act relating to offenses by public officials or  
3           others; creating s. 838.23, F.S.; prohibiting a person  
4           or public servant from engaging in certain activities  
5           to deprive another of his or her right of honest  
6           services; providing for such prohibition to be  
7           construed in accordance with certain federal laws;  
8           providing penalties; providing an effective date.

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

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12           Section 1. Section 838.23, Florida Statutes, is created to  
13 read:

14           838.23 Theft or deprivation of honest services.-

15           (1) A person, including a public servant as defined in s.  
16 838.014, may not engage in a scheme or artifice to deprive  
17 another of the intangible right of honest services or any  
18 activity in contravention of his or her commitment to provide  
19 loyal service or honest governance for the residents of this  
20 state or a local government within this state.

21           (2) This section shall be construed, to the extent  
22 possible, in accordance with the standards and intent set forth  
23 under 18 U.S.C. 1346.

24           (3) Any person who engages in an activity described in  
25 subsection (1) commits a felony of the third degree, punishable  
26 as provided in s. 775.082, s. 775.083, or s. 775.084.

27           Section 2. This act shall take effect October 1, 2009.