

By Senator Constantine

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

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

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

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

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30 of this part:

31 (1) Section 112.313, and their "agency" is the political
32 subdivision that they serve; however, the contract under which
33 the business entity serves as chief executive or administrative
34 officer of the political subdivision is not deemed to violate s.
35 112.313(3) or (7).

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

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

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

41 112.317 Penalties.—

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

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

54 1. Public censure and reprimand.

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

56 3. Restitution of any pecuniary benefits received because
57 of the violation committed. The commission may recommend that
58 the restitution penalty be paid to the agency of the person or

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59 to the General Revenue Fund.

60 Section 3. Paragraph (d) of subsection (8) of section
61 112.324, Florida Statutes, is amended to read:

62 112.324 Procedures on complaints of violations; public
63 records and meeting exemptions.—

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

77 (d) Except as otherwise provided by this part, the
78 Governor, in the case of any other public officer, public
79 employee, former public officer or public employee, candidate,
80 or former candidate, or person who is not a public officer or
81 employee, other than lobbyists and lobbying firms under s.
82 112.3215 for violations of s. 112.3215.

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