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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 employees 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.