

By Senators Gelber and Rich

34-00968C-10

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1 A bill to be entitled

2 An act relating to standards of conduct; providing a
3 short title; amending s. 838.022, F.S.; providing that
4 it is a third-degree felony for a public servant, with
5 corrupt intent, to willfully fail to disclose certain
6 direct or indirect financial interests or benefits;
7 defining the term "with corrupt intent"; providing an
8 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. This act may be cited as the "Restoring Faith in
13 Public Office Act."

14 Section 2. Section 838.022, Florida Statutes, is amended to
15 read:

16 838.022 Official misconduct.—

17 (1) It is unlawful for a public servant, with corrupt
18 intent to obtain a benefit for any person or to cause harm to
19 another, to:

20 (a) Falsify, or cause another person to falsify, any
21 official record or official document;

22 (b) Conceal, cover up, destroy, mutilate, or alter any
23 official record or official document or cause another person to
24 perform such an act; or

25 (c) Obstruct, delay, or prevent the communication of
26 information relating to the commission of a felony that directly
27 involves or affects the public agency or public entity served by
28 the public servant.

29 (2) It is unlawful for a public servant, with corrupt

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30 intent, in a matter falling within the public servant's duties,
31 to willfully fail to disclose:

32 (a) A direct or indirect financial interest, or future
33 financial interest, of the public servant or any member of his
34 or her immediate family; or

35 (b) Any direct or indirect benefit, or future benefit,
36 inuring to the public servant or any member of his or her
37 immediate family.

38 (3)~~(2)~~ For the purposes of this section:

39 (a) The term "public servant" does not include a candidate
40 who does not otherwise qualify as a public servant.

41 (b) The term "with corrupt intent" means acting knowingly
42 and dishonestly for a wrongful purpose.

43 (c)~~(b)~~ An official record or official document includes
44 only public records.

45 (4)~~(3)~~ Any person who violates this section commits a
46 felony of the third degree, punishable as provided in s.
47 775.082, s. 775.083, or s. 775.084.

48 Section 3. This act shall take effect July 1, 2010.