

HB 271

2010

1                   A bill to be entitled  
 2           An act relating to offenses by public officials or others;  
 3           creating s. 838.23, F.S.; prohibiting a person or public  
 4           servant from engaging in certain activities to deprive  
 5           another of his or her right of honest services; providing  
 6           for such prohibition to be construed in accordance with  
 7           certain federal laws; providing penalties; 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.   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. s. 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, 2010.