

By the Committees on Rules; Rules Subcommittee on Ethics and Elections; and Rules; and Senator Gaetz

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1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312, F.S.;
3 redefining the term "gift" to exclude contributions or
4 expenditures reported under federal election law;
5 creating s. 112.3142, F.S.; providing for qualified
6 blind trusts; providing legislative findings;
7 providing conditions when a public officer has no
8 conflict of interest; prohibiting a public officer
9 from influencing or exercising control over the
10 management of the blind trust; providing exceptions;
11 providing conditions for certain communications
12 between the public officer or other persons having a
13 beneficial interest and the trustee; providing that
14 the public officer report certain information relating
15 to the blind trust; providing requirements for the
16 public officer in creating a qualified blind trust;
17 prohibiting the trustee from disclosing certain
18 information to the public officer or other persons
19 having a beneficial interest in the trust; requiring
20 the public officer to provide notice and specified
21 information to the Commission on Ethics; amending s.
22 112.3143, F.S.; providing for an exception to a
23 provision authorizing a state public officer to vote
24 in an official capacity on any matter, to conform to
25 changes made by the act; creating s. 112.31435, F.S.;
26 defining the term "relative"; prohibiting a member of
27 the Legislature from voting upon any legislation
28 inuring to his or her special private gain or loss;
29 prohibiting a member of the Legislature from voting

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30 upon any legislation that the member knows would inure
31 to the special private gain or loss of a principal by
32 whom the member is retained or the corporate parent or
33 subsidiary of a corporate principal by which the
34 member is retained; prohibiting a member of the
35 Legislature from voting on legislation that the member
36 knows would inure to the special private gain or loss
37 of a relative, a business associate, an employer, or a
38 board upon which the member sits; requiring that a
39 member disclose all such interests to the applicable
40 legislative body or committee before the legislation
41 is considered; requiring that the member disclose the
42 specific nature of any such interests within a
43 specified period after the date on which a vote on the
44 legislation occurs; requiring that such disclosure be
45 made by written memorandum and filed with the
46 Secretary of the Senate or the Clerk of the House of
47 Representatives; requiring that the memorandum be
48 recorded in the journal of the house of which the
49 legislator is a member; providing that the act does
50 not prevent a member from voting on legislation that
51 inures to the special private gain or loss of the
52 member's employer, principal, or board upon which the
53 member sits, if such entity is an agency; providing
54 that a member's vote does not inure to the member's
55 special private gain or loss under certain
56 circumstances; providing that the act does not require
57 disclosure if a member's vote will inure to the
58 special private gain or loss of a member's employer,

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59 principal, or board upon which the member sits, if
60 such entity is an agency; providing that a member of
61 the Legislature who is serving as an independent
62 contractor attorney or "of counsel" attorney in a law
63 firm is not prohibited from voting on and is not
64 required to make a disclosure concerning legislation
65 that would inure to the special private gain or loss
66 of any of the firm's clients; authorizing a member to
67 request an advisory opinion from the general counsel
68 of the house of which he or she is a member; providing
69 that the act does not prevent the member from voting
70 on a General Appropriations Act or implementing
71 legislation; amending s. 112.3144, F.S.; requiring the
72 Commission on Ethics to review certain filings of full
73 and public disclosure of financial interests made by
74 certain public officers, including supporting
75 documentation; requiring the commission to provide
76 notice of the sufficiency of the financial disclosure;
77 requiring that an amended or corrected disclosure be
78 filed if the filing is insufficient; providing that
79 the amended or corrected disclosure is not subject to
80 sufficiency review; providing for a fine if the
81 amended or corrected disclosure is not filed by a
82 certain date; relieving an officer of liability for
83 fines and penalties if a complete and sufficient full
84 and public disclosure of financial interests is filed
85 by September 1; specifying that any full and public
86 financial disclosure that is not timely received is
87 not entitled to review; permitting the commission to

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88 delegate to the commission's staff the
89 responsibilities to review and provide notices
90 relating to the disclosure filings; amending s.
91 112.3145, F.S.; redefining the term "local officer"
92 for the purposes of disclosing financial interests to
93 include members of a community redevelopment agency
94 board and any finance director of a county,
95 municipality, or other political subdivision; amending
96 s. 838.014, F.S.; deleting the definition of the term
97 "corruptly" or "with corrupt intent" to conform
98 provisions to changes made by the act; amending s.
99 838.015, F.S.; redefining the term "bribery" as it
100 relates to the requisite mental state for the offense
101 of bribery; amending s. 838.016, F.S.; revising
102 provisions relating to the requisite mental state for
103 the offenses of unlawful compensation and reward for
104 official behavior and official misconduct, to conform
105 to changes made by the act; amending s. 838.022, F.S.;
106 revising provisions relating to the requisite mental
107 state for the offenses of unlawful compensation and
108 reward for official behavior and official misconduct,
109 to conform to changes made by the act; adding actions
110 by a public servant that are illegal; requiring the
111 section be strictly enforced without discretion;
112 amending s. 839.24, F.S.; revising the public servants
113 who are affected and duties for which failure of
114 performance is a misdemeanor of the first degree;
115 requiring that the act be strictly enforced without
116 discretion; amending s. 843.0855, F.S.; adding certain

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117 actions under color of law by a public servant or
118 employee to be unlawful; providing penalties;
119 requiring that the act be strictly enforced without
120 discretion; providing an effective date.

121

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

123

124 Section 1. Paragraph (b) of subsection (12) of section
125 112.312, Florida Statutes, is amended to read:

126 112.312 Definitions.—As used in this part and for purposes
127 of the provisions of s. 8, Art. II of the State Constitution,
128 unless the context otherwise requires:

129 (12)

130 (b) "Gift" does not include:

131 1. Salary, benefits, services, fees, commissions, gifts, or
132 expenses associated primarily with the donee's employment,
133 business, or service as an officer or director of a corporation
134 or organization.

135 2. Contributions or expenditures reported pursuant to
136 chapter 106 or federal election law, campaign-related personal
137 services provided without compensation by individuals
138 volunteering their time, or any other contribution or
139 expenditure by a political party.

140 3. An honorarium or an expense related to an honorarium
141 event paid to a person or the person's spouse.

142 4. An award, plaque, certificate, or similar personalized
143 item given in recognition of the donee's public, civic,
144 charitable, or professional service.

145 5. An honorary membership in a service or fraternal

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146 organization presented merely as a courtesy by such
147 organization.

148 6. The use of a public facility or public property, made
149 available by a governmental agency, for a public purpose.

150 7. Transportation provided to a public officer or employee
151 by an agency in relation to officially approved governmental
152 business.

153 8. Gifts provided directly or indirectly by a state,
154 regional, or national organization which promotes the exchange
155 of ideas between, or the professional development of,
156 governmental officials or employees, and whose membership is
157 primarily composed of elected or appointed public officials or
158 staff, to members of that organization or officials or staff of
159 a governmental agency that is a member of that organization.

160 Section 2. Section 112.3142, Florida Statutes, is created
161 to read:

162 112.3142 Qualified blind trusts.-

163 (1) The Legislature finds that if a public officer creates
164 a trust and does not control the interests held by the trust,
165 his or her official actions will not be influenced or appear to
166 be influenced by private considerations.

167 (2) If a public officer holds an economic interest in a
168 qualified blind trust as described in this section, he or she
169 does not have a conflict of interest prohibited under s.
170 112.313(3) or (7) or a voting conflict of interest under s.
171 112.3143 with regard to matters pertaining to that economic
172 interest.

173 (3) Except as otherwise provided in this section, the
174 public officer may not attempt to influence or exercise any

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175 control over decisions regarding the management of assets in a
176 qualified blind trust. The public officer and each person having
177 a beneficial interest in the qualified blind trust may not make
178 any effort to obtain information with respect to the holdings of
179 the trust, including obtaining a copy of any trust tax return
180 filed or any information relating thereto, except as otherwise
181 provided in this section.

182 (4) Except for communications that consist solely of
183 requests for distributions of cash or other unspecified assets
184 of the trust, there shall be no direct or indirect communication
185 with respect to the trust between the public officer or any
186 person having a beneficial interest in the qualified blind trust
187 and the trustee, unless such communication is in writing and
188 unless it relates only to:

189 (a) A request for a distribution from the trust which does
190 not specify whether the distribution is to be made in cash or in
191 kind;

192 (b) The general financial interests and needs of the public
193 officer or a person having a beneficial interest, including, but
194 not limited to, an interest in maximizing income or long-term
195 capital gain;

196 (c) The notification of the trustee of a law or regulation
197 subsequently applicable to the public officer which prohibits
198 the officer from holding an asset and which notification directs
199 that the asset not be held by the trust; or

200 (d) Directions to the trustee to sell all of an asset
201 initially placed in the trust by the public officer which, in
202 the determination of the public officer, creates a conflict of
203 interest or the appearance thereof due to the subsequent

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204 assumption of duties by the public officer.

205 (5) The public officer shall report as an asset on his or
206 her financial disclosure forms the beneficial interest in the
207 qualified blind trust and its value, if the value is required to
208 be disclosed. The public officer shall report the blind trust as
209 a primary source of income on his or her financial disclosure
210 forms and its amount, if the amount of income is required to be
211 disclosed. The public officer is not required to report as a
212 secondary source of income any source of income to the blind
213 trust.

214 (6) In order to constitute a qualified blind trust, the
215 trust must be established by the public officer and meet the
216 following requirements:

217 (a) The person appointed as a trustee must not be:

218 1. The public officer's spouse, child, parent, grandparent,
219 grandchild, brother, sister, parent-in-law, brother-in-law,
220 sister-in-law, aunt, uncle, or first cousin, or the spouse of
221 any such person;

222 2. A person who is an elected or appointed public officer
223 or a public employee; or

224 3. A person who has been appointed to serve in an agency by
225 the public officer or by a public officer or public employee
226 supervised by the public officer.

227 (b) The trust agreement that establishes the trust must:

228 1. Contain a statement that its purpose is to remove from
229 the grantor control and knowledge of investment of trust assets
230 so that conflicts between the grantor's responsibilities as a
231 public officer and his or her private interests will be
232 eliminated.

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233 2. Give the trustee complete discretion to manage the
234 trust, including, but not limited to, the power to dispose of
235 and acquire trust assets without consulting or notifying the
236 covered public officer or any person having a beneficial
237 interest in the trust.

238 3. Prohibit communication between the trustee and the
239 public officer and any person having a beneficial interest in
240 the trust concerning the holdings or sources of income of the
241 trust, except amounts of cash value or net income or loss, if
242 such report does not identify any asset or holding, except as
243 provided in this section.

244 4. Provide that the trust tax return is prepared by the
245 trustee or his or her designee and that any information relating
246 thereto is not disclosed to the public officer or to any other
247 beneficiary, except as provided in this section.

248 5. Permit the trustee to notify the public officer of the
249 date of disposition and value at disposition of any original
250 investment or interests in real property to the extent required
251 by federal tax law so that the information can be reported on
252 the public officer's applicable tax returns.

253 6. Prohibit the trustee from disclosing to the public
254 officer and any person having a beneficial interest in the trust
255 any information concerning replacement assets to the trust,
256 except for the minimum tax information that lists only the
257 totals of taxable items from the trust and does not describe the
258 source of individual items of income.

259 (c) Within 5 business days after the agreement is executed,
260 the public officer shall file a notice with the commission
261 setting forth:

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- 262 1. The date the agreement was executed;
263 2. The name and address of the trustee; and
264 3. Acknowledgement by the trustee that he or she has agreed
265 to serve as trustee.

266 Section 3. Subsection (2) of section 112.3143, Florida
267 Statutes, is amended to read:

268 112.3143 Voting conflicts.—

269 (2) Except as provided in s. 112.31435, no state public
270 officer is prohibited from voting in an official capacity on any
271 matter. However, any state public officer voting in an official
272 capacity upon any measure that ~~which~~ would inure to the
273 officer's special private gain or loss; that ~~which~~ he or she
274 knows would inure to the special private gain or loss of any
275 principal by whom the officer is retained or to the parent
276 organization or subsidiary of a corporate principal by which the
277 officer is retained; or that ~~which~~ the officer knows would inure
278 to the special private gain or loss of a relative or business
279 associate of the public officer shall, within 15 days after the
280 vote occurs, disclose the nature of his or her interest as a
281 public record in a memorandum filed with the person responsible
282 for recording the minutes of the meeting, who shall incorporate
283 the memorandum in the minutes.

284 Section 4. Section 112.31435, Florida Statutes, is created
285 to read:

286 112.31435 Voting conflicts; state legislators.—

287 (1) As used in this section, the term "relative" means any
288 father, mother, son, daughter, husband, wife, brother, sister,
289 father-in-law, mother-in-law, son-in-law, or daughter-in-law.

290 (2) (a) A member of the Legislature may not vote upon any

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291 legislation that would inure to his or her special private gain
292 or loss; that he or she knows would inure to the special private
293 gain or loss of any principal by whom the member is retained or
294 to the parent organization or subsidiary of a corporate
295 principal by which the member is retained; or that the member
296 knows would inure to the special private gain or loss of a
297 relative, a business associate, an employer, or a board upon
298 which the member sits. The member must, before a vote is taken
299 on the legislation by the legislative body of which he or she is
300 a member or any committee on which the member sits, publicly
301 state to the body or committee all of his or her interests and
302 all known interests of a relative, business associate, employer,
303 any principal by whom the member is retained, the parent
304 organization or subsidiary of a corporate principal by which the
305 member is retained, or a board upon which the member sits.
306 Within 15 days after the date on which the vote on the
307 legislation occurred, the member must disclose the specific
308 nature of those interests as a public record in a memorandum
309 filed with the Secretary of the Senate, if the member is a
310 Senator, or filed with the Clerk of the House of
311 Representatives, if the member is a Representative. The
312 memorandum shall be spread upon the pages of the journal of the
313 house of which the legislator is a member.

314 (b) A vote on legislation does not inure to a member's
315 special private gain or loss if:

316 1. The vote being taken is preliminary or procedural in
317 nature;

318 2. The chance that any gain or loss received from the
319 legislation is remote or speculative; or

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320 3. The legislation affects a large number of people or
321 entities but does not affect the member, the member's relative,
322 business associate, employer, board upon which the member sits,
323 principal, or corporate parent or subsidiary organization of a
324 principal by whom the member is retained differently than the
325 rest of those affected by the legislation.

326 (c) A member of the Legislature is not prohibited from
327 voting on, and is not required to make any disclosure
328 concerning, any legislation that would inure to the special
329 private gain or loss of the member's employer, principal, or a
330 board upon which the member sits, if the entity is an agency as
331 defined in s. 112.312(2).

332 (d) A member of the Legislature serving as an independent
333 contractor attorney or "of counsel" attorney in a law firm is
334 not prohibited from voting on, and is not required to make any
335 disclosure concerning, any legislation that would inure to the
336 special private gain or loss of any of the firm's clients, if
337 the member is not involved in the representation of the client,
338 is not involved in the firm's management, and the member's
339 compensation as an attorney is not derived from money received
340 from that client.

341 (3) This section does not prevent a member of the
342 Legislature from voting on a General Appropriations Act or
343 implementing legislation on the floor of the Senate or House of
344 Representatives.

345 (4) A member of the Legislature may request an advisory
346 opinion from the general counsel of the house of which he or she
347 is a member as to the application of this section to a specific
348 situation. The general counsel shall issue the opinion within 10

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349 days after receiving the request. The member of the Legislature
350 may reasonably rely on such opinion.

351 Section 5. Subsection (1) of section 112.3144, Florida
352 Statutes, is amended to read:

353 112.3144 Full and public disclosure of financial
354 interests.—

355 (1) (a) An officer who is required by s. 8, Art. II of the
356 State Constitution to file a full and public disclosure of his
357 or her financial interests for any calendar or fiscal year shall
358 file that disclosure with the Florida Commission on Ethics.

359 (b) The commission shall review the information contained
360 in each full and public disclosure of financial interests of,
361 and any supporting or supplemental documentation filed
362 concurrently by, an elected constitutional officer to determine
363 whether the officer's disclosure is sufficient; provided that
364 the commission receives the filing by July 1.

365 (c)1. If the commission determines that the officer's
366 disclosure is insufficient, the commission must send a notice by
367 certified mail to the officer no later than 30 days after July
368 1. The notice must identify the specific insufficiency and state
369 with particularity the basis for the determination.

370 2. Upon receipt of the notice of insufficiency, the officer
371 must file an amended or corrected disclosure no later than
372 September 1 of that year, which is not subject to sufficiency
373 review. If the officer fails to file the amended or corrected
374 disclosure by September 1, the automatic fine provided for in
375 this section will begin to accrue. Any such officer accruing an
376 automatic fine may appeal it as provided in subsection (5).

377 3. A complaint may not be filed alleging a violation of

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378 this section for any insufficiency identified pursuant to
379 subparagraph 1. unless such insufficiency remains uncorrected
380 after September 1.

381 (d) If the commission finds the disclosure legally
382 sufficient, the commission must send a notice of sufficiency by
383 certified mail to the officer no later than 30 days after July
384 1. To the extent that the disclosure of financial interests and
385 the accompanying documentation filed with the commission fully
386 identify all information that is required to be disclosed, an
387 officer whose disclosure is sufficient is not liable for any
388 finances or penalties for a violation of this section.

389 (e) If an officer's full and public disclosure of financial
390 interests is not received by 5 p.m. on July 1, the officer is
391 not entitled to a sufficiency review.

392 (f) The commission may delegate to its staff the authority
393 to conduct the review required in this subsection.

394 Section 6. Paragraph (a) of subsection (1) of section
395 112.3145, Florida Statutes, is amended to read:

396 112.3145 Disclosure of financial interests and clients
397 represented before agencies.—

398 (1) For purposes of this section, unless the context
399 otherwise requires, the term:

400 (a) "Local officer" means:

401 1. Every person who is elected to office in any political
402 subdivision of the state, and every person who is appointed to
403 fill a vacancy for an unexpired term in such an elective office.

404 2. Any appointed member of any of the following boards,
405 councils, commissions, authorities, or other bodies of any
406 county, municipality, school district, independent special

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407 district, or other political subdivision of the state:

408 a. The governing body of the political subdivision, if
409 appointed;

410 b. An expressway authority or transportation authority
411 established by general law;

412 c. A community college or junior college district board of
413 trustees;

414 d. A board having the power to enforce local code
415 provisions;

416 e. A planning or zoning board, board of adjustment, board
417 of appeals, community redevelopment agency board, or other board
418 having the power to recommend, create, or modify land planning
419 or zoning within the political subdivision, except for citizen
420 advisory committees, technical coordinating committees, and such
421 other groups who only have the power to make recommendations to
422 planning or zoning boards;

423 f. A pension board or retirement board having the power to
424 invest pension or retirement funds or the power to make a
425 binding determination of one's entitlement to or amount of a
426 pension or other retirement benefit; or

427 g. Any other appointed member of a local government board
428 who is required to file a statement of financial interests by
429 the appointing authority or the enabling legislation, ordinance,
430 or resolution creating the board.

431 3. Any person holding one or more of the following
432 positions: mayor; county or city manager; chief administrative
433 employee of a county, municipality, or other political
434 subdivision; county or municipal attorney; finance director of a
435 county, municipality, or other political subdivision; chief

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436 county or municipal building code inspector; county or municipal
437 water resources coordinator; county or municipal pollution
438 control director; county or municipal environmental control
439 director; county or municipal administrator, with power to grant
440 or deny a land development permit; chief of police; fire chief;
441 municipal clerk; district school superintendent; community
442 college president; district medical examiner; or purchasing
443 agent having the authority to make any purchase exceeding the
444 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
445 behalf of any political subdivision of the state or any entity
446 thereof.

447 Section 7. Subsection (4) of section 838.014, Florida
448 Statutes, is amended, and present subsections (5) through (7) of
449 that section are renumbered as subsections (4) through (6),
450 respectively, to read:

451 838.014 Definitions.—As used in this chapter, the term:

452 ~~(4) "Corruptly" or "with corrupt intent" means acting~~
453 ~~knowingly and dishonestly for a wrongful purpose.~~

454 Section 8. Subsection (1) of section 838.015, Florida
455 Statutes, is amended to read:

456 838.015 Bribery.—

457 (1) "Bribery" means knowingly ~~corruptly~~ to give, offer, or
458 promise to any public servant, or, if a public servant,
459 knowingly ~~corruptly~~ to request, solicit, accept, or agree to
460 accept for himself or herself or another, any pecuniary or other
461 benefit not authorized by law with an intent or purpose to
462 influence the performance of any act or omission which the
463 person believes to be, or the public servant represents as
464 being, within the official discretion of a public servant, in

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465 violation of a public duty, or in performance of a public duty.

466 Section 9. Subsections (1) and (2) of section 838.016,
467 Florida Statutes, are amended to read:

468 838.016 Unlawful compensation or reward for official
469 behavior.—

470 (1) It is unlawful for any person knowingly ~~corruptly~~ to
471 give, offer, or promise to any public servant, or, if a public
472 servant, knowingly ~~corruptly~~ to request, solicit, accept, or
473 agree to accept, any pecuniary or other benefit not authorized
474 by law, for the past, present, or future performance,
475 nonperformance, or violation of any act or omission which the
476 person believes to have been, or the public servant represents
477 as having been, either within the official discretion of the
478 public servant, in violation of a public duty, or in performance
479 of a public duty. Nothing herein shall be construed to preclude
480 a public servant from accepting rewards for services performed
481 in apprehending any criminal.

482 (2) It is unlawful for any person knowingly ~~corruptly~~ to
483 give, offer, or promise to any public servant, or, if a public
484 servant, knowingly ~~corruptly~~ to request, solicit, accept, or
485 agree to accept, any pecuniary or other benefit not authorized
486 by law for the past, present, or future exertion of any
487 influence upon or with any other public servant regarding any
488 act or omission which the person believes to have been, or which
489 is represented to him or her as having been, either within the
490 official discretion of the other public servant, in violation of
491 a public duty, or in performance of a public duty.

492 Section 10. Subsection (1) of section 838.022, Florida
493 Statutes, is amended, and subsection (4) is added to that

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494 section, to read:

495 838.022 Official misconduct.—

496 (1) It is unlawful for a public servant, to knowingly with
497 ~~corrupt intent to~~ obtain a benefit for any person or to cause
498 harm to another, to:

499 (a) Falsify, or cause another person to falsify, any
500 official record or official document.~~†~~

501 (b) Conceal, cover up, destroy, mutilate, or alter any
502 official record or official document or cause another person to
503 perform such an act.~~† or~~

504 (c) Obstruct, delay, or prevent the communication of
505 information relating to the commission of a felony that directly
506 involves or affects the public agency or public entity served by
507 the public servant.

508 (d) Render any ruling, order, or opinion, or action or
509 inaction, adversely or contrary to the doctrine of stare
510 decisis, binding precedent, the Supremacy Clause of the United
511 States Constitution, or oath of office when clearly informed of
512 such evidence or information, unless having the authority to
513 overrule or recede from such rule of law, or distinguish such
514 rule of law or set forth some other intervening or superseding
515 evidence or information, and does so by such ruling, order, or
516 opinion, or action or inaction.

517 (e) Commit or cause any act in violation of 18 U.S.C. 241
518 or 18 U.S.C. 242 under federal law.

519 (4) This section must be strictly enforced by law
520 enforcement and state attorneys without discretion.

521 Section 11. Section 839.24, Florida Statutes, is amended to
522 read:

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523 839.24 Penalty for failure to perform duty required of
524 officer.—A sheriff, judicial officer, quasi-judicial officer
525 ~~county court judge,~~ prosecuting officer, court reporter,
526 stenographer, interpreter, or other officer required to perform
527 any duty under any provision of the Rules of Court or chapter
528 120 ~~the criminal procedure law~~ who willfully or negligently
529 fails or knowingly refuses to perform his or her duty is shall
530 ~~be~~ guilty of a misdemeanor of the first ~~second~~ degree,
531 punishable as provided in s. 775.082 or s. 775.083. This section
532 must be strictly enforced by law enforcement and state attorneys
533 without discretion.

534 Section 12. Subsection (4) of section 843.0855, Florida
535 Statutes, is amended to read:

536 843.0855 Criminal actions under color of law or through use
537 of simulated legal process.—

538 (4) (a) Any person who falsely under color of law attempts
539 in any way to influence, intimidate, or hinder a public officer
540 or law enforcement officer in the discharge of his or her
541 official duties by means of, but not limited to, threats of or
542 actual physical abuse or harassment, or through the use of
543 simulated legal process, commits a felony of the third degree,
544 punishable as provided in s. 775.082 or s. 775.083.

545 (b) Any public servant or employee who, under color of law,
546 in any manner intentionally obstructs or attempts to obstruct
547 the due execution of the law, or with the intent to intimidate,
548 hinder, deprive, or interrupt any officer, beverage enforcement
549 agent, or other person or party in the legal performance of his
550 or her duties or the exercise of his or her rights under the
551 constitution or laws of this state or the United States in

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552 connection with or relating to any legal process, whether such
553 intent is effected or not, commits a felony of the third degree,
554 punishable as provided in s. 775.082 or s. 775.083.

555 (c) Any public servant or employee who, under color of law,
556 in any manner intentionally renders any ruling, order, or
557 opinion, or action or inaction, adverse or contrary to the
558 doctrines of stare decisis, binding precedent, the Supremacy
559 Clause of the United States Constitution, or oath of office, in
560 connection with or relating to any legal process affecting
561 persons or property, when clearly informed of such evidence or
562 information, unless having the authority to overrule or recede
563 from such rule of law, or distinguish such rule of law or set
564 forth some other intervening or superseding evidence or
565 information, and does so by such ruling, order, or opinion, or
566 action or inaction, commits a felony of the second degree,
567 punishable as provided in s. 775.082 or s. 775.083.

568 (d) Any public servant or employee or person who commits or
569 causes any act in violation of 18 U.S.C. 241 or 18 U.S.C. 242
570 under federal law, in connection with or relating to any legal
571 process affecting a person or property, is guilty of a felony of
572 the second degree, punishable as provided in s. 775.082 or s.
573 775.083.

574 (e) This section must be strictly enforced by law
575 enforcement and state attorneys without discretion.

576 Section 13. This act shall take effect July 1, 2011.