

A bill to be entitled

An act relating to governmental ethics; creating s. 112.327, F.S.; defining terms; establishing the clerk of the circuit court as the official custodian of records for complaints alleging a violation of a county ethics ordinance and any related documents; providing filing requirements related to complaints alleging a violation of a county ethics ordinance; providing that a respondent is entitled to a public hearing if the county ethics agency, board, commission, or officer determines that probable cause exists; requiring the ethics agency, board, commission, or officer to establish procedures governing public hearings; specifying available venues for a public hearing; providing that a respondent is not prohibited from entering into a stipulation or consent agreement; providing an effective date.

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

Section 1. Section 112.327, Florida Statutes, is created to read:

112.327 Complaints; county ethics ordinances.—

(1) As used in this section, the terms "ethics agency," "board," "commission," and "officer" mean a county ethics agency, county ethics board, county ethics commission, and

27 county ethics officer, respectively.

28 (2) The clerk of the circuit court shall be the official
29 custodian of records for complaints alleging a violation of a
30 county ethics ordinance and any documents related to proceedings
31 associated with the complaint.

32 (a) Upon receipt of a complaint alleging a violation of a
33 county ethics ordinance, an ethics agency, a board, a
34 commission, or an officer must file the original complaint with
35 the clerk of the circuit court of the county in which the ethics
36 agency, board, commission, or officer is located. The original
37 complaint shall be filed with the clerk of the circuit court no
38 later than the close of the second business day after receipt of
39 the complaint. Before filing the original complaint with the
40 clerk of the circuit court, the ethics agency, board,
41 commission, or officer may retain photocopies of the original
42 complaint for its records.

43 (b) Thereafter, the original copy of each document
44 relating to the complaint and proceedings shall be filed with
45 the clerk of the circuit court. A photocopy of such documents
46 must be provided to the respondent and the ethics agency, board,
47 commission, or officer. The ethics agency, board, commission, or
48 officer must notify the complainant and respondent that all
49 further filings shall be filed with the clerk of the circuit
50 court of the appropriate county and that a photocopy of the
51 original documents relating to the complaint and proceedings
52 must be submitted to the ethics agency, board, commission, or

53 officer.

54 (3) If an ethics agency, a board, a commission, or an
55 officer determines that probable cause exists to believe that a
56 violation of the county ethics ordinance has occurred, the
57 respondent is entitled to a public hearing. An ethics agency, a
58 board, a commission, or an officer shall establish procedures
59 governing requests and waiver of the right to a public hearing.

60 (4) The respondent may elect to have the public hearing be
61 conducted by the full ethics agency, board, or commission; by a
62 single member of the ethics agency, board, or commission; the
63 officer; or by an administrative law judge with the Division of
64 Administrative Hearings.

65 (a) If the respondent elects to have the hearing be
66 conducted by the full ethics agency, board, or commission; a
67 single member of the ethics agency, board, or commission; or the
68 officer, the hearing must be conducted pursuant to procedures in
69 the county ethics ordinance and other applicable rules.

70 (b) If the respondent elects to have the public hearing be
71 conducted at the Division of Administrative Hearings, the
72 administrative law judge in such a proceeding shall enter a
73 final order, which may include the imposition of penalties
74 authorized by the county ethics ordinance, subject to appeal as
75 provided in s. 120.68.

76 (5) This section does not prohibit a respondent from
77 entering into a stipulation or consent agreement with the ethics
78 agency, board, commission, or officer to resolve a complaint.

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79 The stipulation or consent agreement is not effective until
80 signed by the respondent and the chairperson of the ethics
81 agency, board, or commission or the officer.

82 Section 2. This act shall take effect July 1, 2014.