

By Senator Gaetz

1-00560-25

2025352__

1 A bill to be entitled
2 An act relating to employee protections; creating s.
3 112.3242, F.S.; providing legislative intent; defining
4 terms; prohibiting agencies and independent
5 contractors from taking specified actions against
6 employees for disclosing certain information to the
7 Commission on Ethics; providing applicability;
8 requiring that information disclosed include specified
9 violations or alleged violations; requiring disclosure
10 of specified information to the commission under
11 specified circumstances; providing that specified
12 provisions protect employees and persons who submit
13 written complaints to the commission or provide
14 information to an investigator during an investigation
15 of a complaint; providing applicability; authorizing
16 certain employees or applicants for employment to file
17 complaints in accordance with specified provisions;
18 authorizing such employees or applicants to pursue a
19 specified administrative remedy or a civil action
20 within a specified timeframe; authorizing local public
21 employees to file a complaint with the appropriate
22 local governmental authority, under specified
23 circumstances; providing requirements for
24 administrative procedures created by local
25 governmental authorities; authorizing such employee to
26 bring civil actions in a court of competent
27 jurisdiction, under specified conditions; requiring
28 specified relief; providing that it is an affirmative
29 defense to certain actions that the adverse action was

1-00560-25

2025352__

30 predicated on grounds other than the exercising of
31 certain protected rights; providing construction;
32 providing an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 112.3242, Florida Statutes, is created
37 to read:

38 112.3242 Adverse action against employee for disclosing
39 information of specified nature to the Commission on Ethics
40 prohibited; employee remedy and relief.-

41 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
42 to prevent agencies or independent contractors from taking
43 retaliatory action against an employee who reports to an
44 appropriate agency any violation of this part or s. 8(f), Art.
45 II of the State Constitution on the part of a public employer or
46 an independent contractor. It is further the intent of the
47 Legislature to prevent agencies or independent contractors from
48 taking retaliatory action against any person who discloses
49 information to an appropriate agency regarding alleged breaches
50 of the public trust or violations of s. 8(f), Art. II of the
51 State Constitution on the part of an agency, public officer, or
52 employee.

53 (2) DEFINITIONS.-As used in this section, unless otherwise
54 specified, the term:

55 (a) "Adverse personnel action" means the discharge,
56 suspension, transfer, or demotion of any employee or the
57 withholding of bonuses, the reduction in salary or benefits, or
58 any other adverse action taken against an employee within the

1-00560-25

2025352__

59 terms and conditions of employment by an agency or independent
60 contractor.

61 (b) "Agency" means any state, regional, county, local, or
62 municipal governmental entity, whether executive, judicial, or
63 legislative; any official, officer, department, division,
64 bureau, commission, authority, or political subdivision therein;
65 or any public school, community college, or state university.

66 (c) "Employee" means a person who performs services for,
67 and under the control and direction of, or contracts with, an
68 agency or independent contractor for wages or other
69 remuneration.

70 (d) "Independent contractor" means a person, other than an
71 agency, who is engaged in any business and enters into a
72 contract, including a provider agreement, with an agency.

73 (3) ACTIONS PROHIBITED.—

74 (a) An agency or independent contractor may not dismiss,
75 discipline, or take any other adverse personnel action against
76 an employee for disclosing information pursuant to this section.

77 (b) An agency or independent contractor may not take any
78 adverse action that affects the rights or interests of a person
79 in retaliation for the person's disclosure of information under
80 this section.

81 (c) This subsection does not apply when an employee or
82 person discloses information known by the employee or person to
83 be false or when the employee or person discloses information
84 that forms the basis of an award of costs or attorney fees or
85 both pursuant to s. 112.317(7).

86 (4) NATURE OF INFORMATION DISCLOSED.—The information
87 disclosed under this section must include any violation or

1-00560-25

2025352__

88 suspected violation of:

89 (a) Any standard of conduct imposed by this part;

90 (b) Section 8, Art. II of the State Constitution; or

91 (c) Section 11.062, s. 350.031, s. 350.04, s. 350.041, s.
92 350.042, or s. 350.0605.

93 (5) TO WHOM INFORMATION IS DISCLOSED.—The information
94 disclosed under this section must be disclosed to the Commission
95 on Ethics.

96 (6) EMPLOYEES AND PERSONS PROTECTED.—This section protects
97 employees and persons who submit a written complaint to the
98 Commission on Ethics executed on a form prescribed by the
99 commission and signed under oath or affirmation or provide
100 information to an investigator during an investigation of a
101 complaint. A remedy or other protection under this section does
102 not apply to any employee or person who has committed or
103 intentionally participated in committing the violation or
104 suspected violation for which protection under this section is
105 being sought.

106 (7) REMEDIES.—

107 (a) Any employee of or applicant for employment with any
108 state agency as defined in s. 216.011 who is discharged,
109 disciplined, or subjected to other adverse personnel action or
110 denied employment because he or she engaged in an activity
111 protected by this section may file a complaint, which complaint
112 must be made in accordance with s. 112.31895. Upon receipt of
113 notice from the Florida Commission on Human Relations of
114 termination of the investigation, the complainant may elect to
115 pursue the administrative remedy available under s. 112.31895 or
116 bring a civil action within 180 days after receipt of the

1-00560-25

2025352__

117 notice.

118 (b) Within 60 days after the action prohibited by this
119 section, any local public employee protected by this section may
120 file a complaint with the appropriate local governmental
121 authority if that authority has established by ordinance an
122 administrative procedure for handling such complaints or has
123 contracted with the Division of Administrative Hearings under s.
124 120.65 to conduct hearings under this section. The
125 administrative procedure created by ordinance must provide for
126 the complaint to be heard by a panel of impartial persons
127 appointed by the appropriate local governmental authority. Upon
128 hearing the complaint, the panel shall make findings of fact and
129 conclusions of law for a final decision by the local
130 governmental authority. Within 180 days after entry of a final
131 decision by the local governmental authority, the public
132 employee who filed the complaint may bring a civil action in any
133 court of competent jurisdiction. If the local governmental
134 authority has not established an administrative procedure by
135 ordinance or contract, a local public employee may, within 180
136 days after the action prohibited by this section, bring a civil
137 action in a court of competent jurisdiction. For the purpose of
138 this paragraph, the term "local governmental authority" includes
139 any regional, county, or municipal entity, special district,
140 community college district, or school district or any political
141 subdivision of any of the foregoing.

142 (c) Any other person protected by this section may, after
143 exhausting all available contractual or administrative remedies,
144 bring a civil action in any court of competent jurisdiction
145 within 180 days after the action prohibited by this section.

1-00560-25

2025352__

146 (8) RELIEF.—In any action brought under this section, the
147 relief must include the following:

148 (a) Reinstatement of the employee to the same position held
149 before the adverse action was commenced, or to an equivalent
150 position, or reasonable front pay as an alternative relief.

151 (b) Reinstatement of the employee's full fringe benefits
152 and seniority rights, as appropriate.

153 (c) Compensation to the employee, if appropriate, for lost
154 wages, benefits, or other lost remuneration caused by the
155 adverse action.

156 (d) Payment of reasonable costs, including attorney fees,
157 to a substantially prevailing employee, or to the prevailing
158 employer if the employee filed a frivolous action in bad faith.

159 (e) Issuance of an injunction, if appropriate, by a court
160 of competent jurisdiction.

161 (f) Temporary reinstatement of the employee to his or her
162 former position or to an equivalent position, pending the final
163 outcome on the complaint, if an employee complains of being
164 discharged in retaliation for a protected disclosure and if a
165 court of competent jurisdiction or the Florida Commission on
166 Human Relations, as applicable under s. 112.31895, determines
167 that the disclosure was not made in bad faith or for a wrongful
168 purpose or occurred after an agency's initiation of a personnel
169 action against the employee that includes documentation of the
170 employee's violation of a disciplinary standard or performance
171 deficiency. This paragraph does not apply to an employee of a
172 municipality.

173 (9) DEFENSE.—It is an affirmative defense to any action
174 brought pursuant to this section that the adverse action was

1-00560-25

2025352__

175 predicated upon grounds other than, and would have been taken
176 absent, the employee's or person's exercise of rights protected
177 by this section.

178 (10) EXISTING RIGHTS.—This section does not diminish the
179 rights, privileges, or remedies of an employee under any other
180 law or rule or under any collective bargaining agreement or
181 employment contract; however, the election of remedies in s.
182 447.401 also applies to actions under this section.

183 Section 2. This act shall take effect July 1, 2025.