

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

26 governmental authorities; authorizing such employee to
 27 bring civil actions in a court of competent
 28 jurisdiction, under specified conditions; requiring
 29 specified relief; providing that it is an affirmative
 30 defense to certain actions that the adverse personnel
 31 action was predicated on grounds other than the
 32 exercising of certain protected rights; providing
 33 construction; providing an effective date.

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

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 37 **Section 1. Section 112.3242, Florida Statutes, is created**
 38 **to read:**

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

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

51 of the public trust or violations of s. 8(f), Art. II of the
52 State Constitution on the part of an agency, a public officer,
53 or an employee.

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

56 (a) "Adverse personnel action" means the discharge,
57 suspension, transfer, or demotion of any employee or the
58 withholding of bonuses, the reduction in salary or benefits, or
59 any other adverse action taken against an employee within the
60 terms and conditions of employment by an agency or independent
61 contractor.

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

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

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

75 (3) ACTIONS PROHIBITED.—

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

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

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

88 (4) NATURE OF INFORMATION DISCLOSED.—The information
89 disclosed under this section must include any violation or
90 suspected violation of:

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

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

93 (c) Section 11.062, s. 350.031, s. 350.04, s. 350.041, s.
94 350.042, or s. 350.0605.

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

98 (6) EMPLOYEES AND PERSONS PROTECTED.—This section protects
99 employees and persons who submit a written complaint to the
100 Commission on Ethics executed on a form prescribed by the

101 commission and signed under oath or affirmation or provide
102 information to an investigator during an investigation of a
103 complaint. A remedy or other protection under this section does
104 not apply to any employee or person who has committed or
105 intentionally participated in committing the violation or
106 suspected violation for which protection under this section is
107 being sought.

108 (7) REMEDIES.—

109 (a) Any employee of or applicant for employment with any
110 state agency as defined in s. 216.011(1) who is discharged,
111 disciplined, or subjected to other adverse personnel action or
112 denied employment because he or she engaged in an activity
113 protected by this section may file a complaint, which complaint
114 must be made in accordance with s. 112.31895. Upon receipt of
115 notice from the Florida Commission on Human Relations of
116 termination of the investigation, the complainant may elect to
117 pursue the administrative remedy available under s. 112.31895 or
118 bring a civil action within 180 days after receipt of the
119 notice.

120 (b) Within 60 days after the action prohibited by this
121 section, any local public employee protected by this section may
122 file a complaint with the appropriate local governmental
123 authority if that authority has established by ordinance an
124 administrative procedure for handling such complaints or has
125 contracted with the Division of Administrative Hearings under s.

126 120.65 to conduct hearings under this section. The
127 administrative procedure created by ordinance must provide for
128 the complaint to be heard by a panel of impartial persons
129 appointed by the appropriate local governmental authority. Upon
130 hearing the complaint, the panel shall make findings of fact and
131 conclusions of law for a final decision by the local
132 governmental authority. Within 180 days after entry of a final
133 decision by the local governmental authority, the local public
134 employee who filed the complaint may bring a civil action in any
135 court of competent jurisdiction. If the local governmental
136 authority has not established an administrative procedure by
137 ordinance or contract, a local public employee may, within 180
138 days after the action prohibited by this section, bring a civil
139 action in a court of competent jurisdiction. For the purpose of
140 this paragraph, the term "local governmental authority" includes
141 any regional, county, or municipal entity, special district,
142 Florida College System institution, state university, or school
143 district or any political subdivision of any of the foregoing.

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

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

150 (a) Reinstatement of the employee to the same position

151 held before the adverse personnel action was commenced, or to an
152 equivalent position, or reasonable front pay as an alternative
153 relief.

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

156 (c) Compensation to the employee, if appropriate, for lost
157 wages, benefits, or other lost remuneration caused by the
158 adverse personnel action.

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

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

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

176 (9) DEFENSE.—It is an affirmative defense to any action
177 brought pursuant to this section that the adverse personnel
178 action was predicated upon grounds other than, and would have
179 been taken absent, the employee's or person's exercise of rights
180 protected by this section.

181 (10) EXISTING RIGHTS.—This section does not diminish the
182 rights, privileges, or remedies of an employee under any other
183 law or rule or under any collective bargaining agreement or
184 employment contract; however, the election of remedies in s.
185 447.401 also applies to actions under this section.

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