

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Maney offered the following:

Amendment (with title amendment)

Remove lines 97-195 and insert:

an employee in retaliation for the person's disclosure of information under this section.

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

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

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

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

18 (c) Section 11.062, s. 16.715, part II of chapter 287, s.
19 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605.

20 (5) TO WHOM INFORMATION IS DISCLOSED.—The information
21 disclosed under this section must be disclosed to the Commission
22 on Ethics.

23 (6) EMPLOYEES PROTECTED.—This section protects employees
24 who submit a written complaint to the Commission on Ethics
25 executed on a form prescribed by the commission and signed under
26 oath or affirmation or who provide information to an
27 investigator during an investigation of a complaint or referral.
28 A remedy or other protection under this section does not apply
29 to any employee who has committed or intentionally participated
30 in committing the violation or suspected violation for which
31 protection under this section is being sought.

32 (7) REMEDIES.—

33 (a) Any employee of any state agency as defined in s.
34 216.011 who is discharged, disciplined, or subjected to other
35 adverse personnel action or denied employment because he or she
36 engaged in an activity protected by this section may file a
37 complaint, which complaint must be made in accordance with s.
38 112.31895. Upon receipt of notice from the Florida Commission on
39 Human Relations of termination of the investigation, the
40 complainant may elect to pursue the administrative remedy
41 available under s. 112.31895 or bring a civil action within 180

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42 days after receipt of the notice.

43 (b) For the purpose of this paragraph, the term "local
44 governmental authority" includes any regional, county, or
45 municipal entity, special district, community college district,
46 or school district or any political subdivision thereof. Within
47 60 days after the action prohibited by this section, any local
48 public employee protected by this section may file a complaint
49 with the appropriate local governmental authority if that
50 authority has established by ordinance an administrative
51 procedure for handling such complaints or has contracted with
52 the Division of Administrative Hearings under s. 120.65 to
53 conduct hearings under this section. The administrative
54 procedure created by ordinance must provide for the complaint to
55 be heard by a panel of impartial persons appointed by the
56 appropriate local governmental authority. Upon hearing the
57 complaint, the panel shall make findings of fact and conclusions
58 of law for a final decision by the local governmental authority.
59 Within 180 days after the entry of a final decision by the local
60 governmental authority, the local public employee who filed the
61 complaint may bring a civil action in any court of competent
62 jurisdiction. If the local governmental authority has not
63 established an administrative procedure by ordinance or
64 contract, a local public employee may, within 180 days after the
65 action prohibited by this section, bring a civil action in a
66 court of competent jurisdiction.

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

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

73 (a) Reinstatement of the employee to the same position
74 held before the adverse personnel action was commenced, or to an
75 equivalent position, or reasonable front pay as an alternative
76 relief.

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

79 (c) Compensation to the employee, if appropriate, for lost
80 wages, benefits, or other lost remuneration caused by the
81 adverse personnel action.

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

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

87 (f) Temporary reinstatement of the employee to his or her
88 former position or to an equivalent position, pending the final
89 outcome on the complaint, if an employee complains of being
90 discharged in retaliation for a protected disclosure and if a
91 court of competent jurisdiction or the Florida Commission on

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92 Human Relations, as applicable under s. 112.31895, determines
93 that the disclosure was not made in bad faith or for a wrongful
94 purpose or occurred after an agency's initiation of a personnel
95 action against the employee which includes documentation of the
96 employee's violation of a disciplinary standard or performance
97 deficiency. This paragraph does not apply to an employee of a
98 municipality.

99 (9) DEFENSE.—It is an affirmative defense to any action
100 brought pursuant to this section that the adverse personnel
101 action was predicated upon grounds other than, and would have
102 been taken absent, the employee's exercise of rights

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104 **T I T L E A M E N D M E N T**

105 Remove lines 6-7 and insert:
106 taking specified actions against employees for
107 disclosing certain information to the