

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

26 governmental authorities; authorizing such employees
27 to bring civil actions in a court of competent
28 jurisdiction under specified conditions; requiring
29 specified relief; providing applicability; providing
30 that it is an affirmative defense to certain actions
31 that the adverse personnel action was predicated on
32 grounds other than the exercising of certain protected
33 rights; providing construction; amending s. 112.324,
34 F.S.; requiring the commission to deliver complaints
35 and any amendment thereto to the agency conducting a
36 certain investigation, upon the agency's written
37 request; providing that such delivery does not affect
38 specified exemptions in regard to the complaint and
39 amendments; requiring that such delivery be within a
40 reasonable timeframe; requiring that the commission
41 redact certain information under specified conditions;
42 requiring the commission to deliver complaints and any
43 amendment thereto to certain persons upon a notarized
44 written request; providing that such delivery does not
45 affect the specified exemptions of the complaint;
46 requiring that such delivery be within a reasonable
47 timeframe; requiring that the commission redact
48 certain information under specified conditions;
49 providing an effective date.

50

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

52
53 **Section 1. Section 112.3242, Florida Statutes, is created**
54 **to read:**

55 112.3242 Adverse action against employee for disclosing
56 information of specified nature to the Commission on Ethics
57 prohibited; employee remedy and relief.—

58 (1) LEGISLATIVE INTENT.—It is the intent of the
59 Legislature to prevent agencies or independent contractors from
60 taking retaliatory action against an employee who reports to an
61 appropriate agency any violation of this part or s. 8(f), Art.
62 II of the State Constitution on the part of a public employer or
63 an independent contractor. It is further the intent of the
64 Legislature to prevent agencies or independent contractors from
65 taking retaliatory action against any person who discloses
66 information to an appropriate agency regarding alleged breaches
67 of the public trust or violations of s. 8(f), Art. II of the
68 State Constitution on the part of an agency, a public officer,
69 or an employee.

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

72 (a) "Adverse personnel action" means the discharge,
73 suspension, transfer, or demotion of any employee or the
74 withholding of bonuses, the reduction in salary or benefits, or
75 any other adverse action taken against an employee within the

76 terms and conditions of employment by an agency or independent
 77 contractor.

78 (b) "Agency" means any state, regional, county, local, or
 79 municipal governmental entity, whether executive, judicial, or
 80 legislative; any official, officer, department, division,
 81 bureau, commission, authority, or political subdivision therein;
 82 or any public school, community college, or state university.

83 (c) "Employee" means a person who performs services for,
 84 and is under the control and direction of, or contracts with, an
 85 agency or independent contractor for wages or other
 86 remuneration.

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

90 (3) ACTIONS PROHIBITED.—

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

94 (b) An agency or independent contractor may not take any
 95 adverse personnel action that affects the rights or interests of
 96 an employee in retaliation for the person's disclosure of
 97 information under this section.

98 (c) This subsection does not apply when an employee
 99 discloses information known by the employee to be false or when
 100 the employee discloses information that forms the basis of an

101 award of costs or attorney fees or both pursuant to s.
102 112.317(7).

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

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

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

108 (c) Section 11.062, s. 16.715, part II of chapter 287, s.
109 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605.

110 (5) TO WHOM INFORMATION IS DISCLOSED.—The information
111 disclosed under this section must be disclosed to the Commission
112 on Ethics.

113 (6) EMPLOYEES PROTECTED.—This section protects employees
114 who submit a written complaint to the Commission on Ethics
115 executed on a form prescribed by the commission and signed under
116 oath or affirmation or who provide information to an
117 investigator during an investigation of a complaint or referral.
118 A remedy or other protection under this section does not apply
119 to any employee who has committed or intentionally participated
120 in committing the violation or suspected violation for which
121 protection under this section is being sought.

122 (7) REMEDIES.—

123 (a) Any employee of any state agency as defined in s.
124 216.011 who is discharged, disciplined, or subjected to other
125 adverse personnel action or denied employment because he or she

126 engaged in an activity protected by this section may file a
127 complaint, which complaint must be made in accordance with s.
128 112.31895. Upon receipt of notice from the Florida Commission on
129 Human Relations of termination of the investigation, the
130 complainant may elect to pursue the administrative remedy
131 available under s. 112.31895 or bring a civil action within 180
132 days after receipt of the notice.

133 (b) For the purpose of this paragraph, the term "local
134 governmental authority" includes any regional, county, or
135 municipal entity, special district, community college district,
136 or school district or any political subdivision thereof. Within
137 60 days after the action prohibited by this section, any local
138 public employee protected by this section may file a complaint
139 with the appropriate local governmental authority if that
140 authority has established by ordinance an administrative
141 procedure for handling such complaints or has contracted with
142 the Division of Administrative Hearings under s. 120.65 to
143 conduct hearings under this section. The administrative
144 procedure created by ordinance must provide for the complaint to
145 be heard by a panel of impartial persons appointed by the
146 appropriate local governmental authority. Upon hearing the
147 complaint, the panel shall make findings of fact and conclusions
148 of law for a final decision by the local governmental authority.
149 Within 180 days after the entry of a final decision by the local
150 governmental authority, the local public employee who filed the

151 complaint may bring a civil action in any court of competent
152 jurisdiction. If the local governmental authority has not
153 established an administrative procedure by ordinance or
154 contract, a local public employee may, within 180 days after the
155 action prohibited by this section, bring a civil action in a
156 court of competent jurisdiction.

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

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

163 (a) Reinstatement of the employee to the same position
164 held before the adverse personnel action was commenced, or to an
165 equivalent position, or reasonable front pay as an alternative
166 relief.

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

169 (c) Compensation to the employee, if appropriate, for lost
170 wages, benefits, or other lost remuneration caused by the
171 adverse personnel action.

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

175 (e) Issuance of an injunction, if appropriate, by a court

176 of competent jurisdiction.

177 (f) Temporary reinstatement of the employee to his or her
178 former position or to an equivalent position, pending the final
179 outcome on the complaint, if an employee complains of being
180 discharged in retaliation for a protected disclosure and if a
181 court of competent jurisdiction or the Florida Commission on
182 Human Relations, as applicable under s. 112.31895, determines
183 that the disclosure was not made in bad faith or for a wrongful
184 purpose or occurred after an agency's initiation of a personnel
185 action against the employee which includes documentation of the
186 employee's violation of a disciplinary standard or performance
187 deficiency. This paragraph does not apply to an employee of a
188 municipality.

189 (9) DEFENSE.—It is an affirmative defense to any action
190 brought pursuant to this section that the adverse personnel
191 action was predicated upon grounds other than, and would have
192 been taken absent, the employee's exercise of rights protected
193 by this section.

194 (10) EXISTING RIGHTS.—This section does not diminish the
195 rights, privileges, or remedies of an employee under any other
196 law or rule or under any collective bargaining agreement or
197 employment contract; however, the election of remedies in s.
198 447.401 also applies to actions under this section.

199 **Section 2. Paragraphs (g) and (h) are added to subsection**
200 **(2) of section 112.324, Florida Statutes, to read:**

201 112.324 Procedures on complaints of violations and
202 referrals; public records and meeting exemptions.—

203 (2)

204 (g) Notwithstanding the exemptions in paragraphs (a)-(d),
205 the commission shall deliver a copy of an ethics complaint, and
206 its timely amendments, to an agency conducting an investigation
207 of a claim asserted under s. 112.3242, upon receiving a written
208 request from the agency. The commission's delivery of the
209 complaint, and any amendments thereto, does not affect the
210 exemptions in paragraphs (a)-(d) in any other context. The
211 commission shall deliver the complaint, and any amendments
212 thereto, within a reasonable timeframe. If the exemptions in
213 paragraphs (a)-(d) are applicable at the time of the request,
214 the commission must redact any designations to the complaint
215 form it supplied after the form was filed, including, but not
216 limited to, date stamps, receipt stamps, and complaint serial
217 numbers.

218 (h) Notwithstanding the exemptions in paragraphs (a)-(d),
219 the commission shall deliver a copy of an ethics complaint, and
220 its timely amendments, to the person who filed the ethics
221 complaint and to the person who identified himself or herself in
222 the text of the complaint or its timely amendments as a current
223 or former employee of the agency associated with the respondent
224 named in the complaint or of an independent contractor of that
225 agency, upon receiving a notarized, written request from such

226 person. The commission's delivery of the complaint, and any
227 amendments thereto, does not affect the exemptions in paragraphs
228 (a)-(d) in any other context. The commission shall deliver the
229 complaint in a reasonable timeframe. If the exemptions in
230 paragraphs (a)-(d) are applicable at the time of the request,
231 the commission must redact any designations to the complaint
232 form it supplied after the form was filed, including, but not
233 limited to, date stamps, receipt stamps, and complaint serial
234 numbers.

235 **Section 3.** This act shall take effect July 1, 2026.