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LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 12/09/2025 | . |       |
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The Committee on Governmental Oversight and Accountability  
(Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (18) is added to section 112.313,  
Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees  
of agencies, and local government attorneys.—

(18) RETALIATION FOR PROTECTED ACTIVITY PROHIBITED.—

(a) As used in this subsection, the term:



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11        1. "Adverse personnel action" means the discharge,  
12 suspension, transfer, or demotion of an employee; the  
13 withholding of bonuses or reduction in salary or benefits of an  
14 employee; or any other adverse action taken against an employee  
15 within the terms and conditions of employment by an agency or  
16 independent contractor of an agency.

17        2. "Exercise of ultimate decisionmaking authority" or  
18 "grant of approval" means having and using the authority to  
19 commence an adverse personnel action.

20        3. "Protected activity" means submitting a written  
21 complaint to the commission executed on the form specified in s.  
22 112.324(1) and signed under oath or affirmation or providing  
23 information to an investigator during an investigation of a  
24 complaint or referral.

25        (b) A public officer, public employee, or local government  
26 attorney commits a breach of the public trust when he or she  
27 initiates an adverse personnel action against an agency employee  
28 or independent contractor who has engaged in a protected  
29 activity by an exercise of the public officer's, public  
30 employee's, or local government attorney's ultimate  
31 decisionmaking authority or a grant of his or her approval, or  
32 uses his or her position to cause another to initiate such an  
33 adverse personnel action, if the protected activity is the  
34 primary reason motivating the adverse personnel action. The  
35 communication or execution of an adverse personnel action  
36 initiated by another's ultimate decisionmaking authority or  
37 grant of approval does not constitute an exercise of one's  
38 ultimate decisionmaking authority or a grant of one's approval.

39        Section 2. Section 112.3242, Florida Statutes, is created



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to read:

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

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

(2) DEFINITIONS.—As used in this section and s. 112.3243, unless otherwise specified, the term:

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

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



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

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

(3) ACTIONS PROHIBITED.—

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

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

(c) This subsection does not apply when an employee or a person discloses information known by the employee or person to be false or when the employee or person 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 protected information disclosed under this section must include any violation or suspected violation of:

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

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

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

(5) TO WHOM INFORMATION IS DISCLOSED.—The information



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disclosed under this section must be disclosed to the  
commission.

(6) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who submit a written complaint to the commission executed on the form specified in s. 112.324(1) and signed under oath or affirmation or who provide information to an investigator during an investigation of a complaint. A remedy or other protection under this section does not apply to any employee or person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this section is being sought.

(7) REMEDIES.—Any employee of or applicant for employment with an agency who is subjected to adverse personnel action because he or she engaged in an activity protected by this section may file a complaint, which must be made in accordance with s. 112.3243. Upon receipt of notice from the commission of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.3243 or bring a civil action within 180 days after receipt of the notice.

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

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

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

(c) Compensation to the employee, if appropriate, for lost



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wages, benefits, or other lost remuneration caused by the  
adverse personnel action.

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

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

(f) Temporary reinstatement of the employee to his or her  
former position or to an equivalent position, pending the final  
outcome on the complaint, if an employee complains of being  
discharged in retaliation for a protected disclosure and if a  
court of competent jurisdiction or the commission, as applicable  
under s. 112.3243, determines that the disclosure was not made  
in bad faith or for a wrongful purpose or that the disclosure  
occurred after an agency's or independent contractor's  
initiation of a personnel action against the employee which  
includes documentation of the employee's violation of a  
disciplinary standard or performance deficiency. This paragraph  
does not apply to an employee of a municipality.

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

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



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Section 3. Paragraphs (g) and (h) are added to subsection (2) of section 112.324, Florida Statutes, to read:

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

(2)

(g) Notwithstanding the exemptions in paragraphs (a)-(d), the Commission on Ethics shall deliver a copy of an ethics complaint, and its timely amendments, to the Public Employees Relations Commission upon receiving a written request from the agency. The Commission on Ethics' delivery of the complaint, and any amendment thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The Commission on Ethics shall deliver the complaint, and any amendment thereto, within a reasonable timeframe. If the exemptions in paragraphs (a)-(d) are applicable at the time of the request, the commission must redact any designation to the complaint form it supplied after the form was filed, including, but not limited to, date stamps, receipt stamps, and complaint serial numbers.

(h) Notwithstanding the exemptions in paragraphs (a)-(d), the commission shall deliver a copy of an ethics complaint, and its timely amendments, to the person who filed the ethics complaint and identified himself or herself in the text of the complaint or its timely amendments as a current or former employee of the agency associated with the respondent named in the complaint or of an independent contractor of that agency, upon receiving a notarized, written request from such person. The commission's delivery of the complaint, and any amendment thereto, does not affect the exemptions in paragraphs (a)-(d) in any other context. The commission shall deliver the complaint



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within a reasonable timeframe. If the exemptions in paragraphs (a)-(d) are applicable at the time of the request, the commission must redact any designation to the complaint form it supplied after the form was filed, including, but not limited to, date stamps, receipt stamps, and complaint serial numbers.

Section 4. Section 112.3243, Florida Statutes, is created to read:

112.3243 Investigative procedures in response to prohibited personnel actions against ethics complaints.—

(1) COMPLAINT.—

(a) If a disclosure under s. 112.3242 results in alleged retaliation by an employer, the employee or former employee of an agency or independent contractor that is so affected may file a complaint alleging a prohibited personnel action, which must be made by filing a written complaint with the commission no later than 60 days after the prohibited personnel action.

(b) Within 5 working days after receiving a complaint under this section, the commission shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. 112.3242 to the employer, who shall acknowledge receipt of such copies to the complainant.

(2) FACT-FINDING.—The commission shall:

(a) Receive any allegation of a personnel action prohibited by s. 112.3242, including a proposed or potential action, and conduct informal fact-finding regarding any allegation of a legally sufficient complaint under this section to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. 112.3242 has



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occurred, is occurring, or is to be taken.

(b) Within 180 days after receiving the complaint, provide the agency head or independent contractor and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report is admissible in any subsequent or related administrative or judicial review.

(3) INVESTIGATIVE POWERS AND TERMINATION OF INVESTIGATION.—

(a) The commission, in accordance with this section, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by agencies or independent contractors.

2. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

3. Create fact-finding reports and make determinations regarding investigations under subparagraph 1.

(b) The commission shall notify a complainant of the status of the investigation and any action taken at such times as the commission deems appropriate.

(c)1. If the commission determines that, in connection with any investigation, reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the commission must report the determination together with a fact-finding report to the agency head or independent contractor and the complainant. The commission may include in the report recommendations for



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corrective action.

2. If the commission, in consultation with the individual subject to the prohibited action, finds that the agency or independent contractor has implemented a corrective action in response to the commission's determination and fact-finding report, the commission must file such finding with the agency head or independent contractor, together with any written comments that the individual provides, and terminate the investigation. The commission shall provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor.

3. If the agency or independent contractor, after 35 days, does not implement a corrective action, the commission must terminate the investigation. If an investigation is terminated pursuant to this subparagraph, the commission must provide notice of the termination of its investigation, along with the reason for termination, to the complainant and the agency head or independent contractor, and notify the complainant of the right to appeal under subsection (4).

(d) If the commission determines that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission must terminate its investigation and report its determination, together with a fact-finding report and a notice of termination of investigation, to the agency head or independent contractor and the complainant.

(e) During any investigation under this section, disciplinary action may not be taken against an employee of an



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agency or independent contractor for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the commission.

(4) RIGHT TO APPEAL.—

(a) The complainant may, within 21 days after receipt of a notice of termination of an investigation from the commission, file a complaint against the employer agency regarding the alleged prohibited personnel action with the Public Employees Relations Commission. The Public Employees Relations Commission has jurisdiction over such complaints under ss. 112.3242 and 447.503(4) and (5).

(b) Judicial review of any final order of the commission must be as provided in s. 120.68.

(5) RULEMAKING.—The commission may adopt rules to implement this section.

Section 5. For the purpose of incorporating the amendment made by this act to section 112.313, Florida Statutes, in a reference thereto, subsection (1) of section 112.3136, Florida Statutes, is reenacted to read:

112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.—The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, for the



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purposes of the following sections, are public officers and employees who are subject to the following standards of conduct of this part:

(1) Section 112.313, and their "agency" is the political subdivision that they serve; however, the contract under which the business entity serves as chief executive or administrative officer of the political subdivision is not deemed to violate s. 112.313(3) or (7).

Section 6. This act shall take effect January 1, 2027.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to employee protections; amending s. 112.313, F.S.; defining terms; providing that public officers, public employees, and local government attorneys commit a breach of the public trust when they initiate adverse personnel actions against specified agency employees or independent contractors under certain circumstances; providing construction; creating s. 112.3242, F.S.; providing legislative intent; defining terms; prohibiting agencies and independent contractors from taking specified actions against employees or certain persons for disclosing certain information to the Commission on Ethics; providing applicability; requiring that information disclosed include specified violations or alleged



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violations; requiring disclosure of specified information to the commission under specified circumstances; providing that specified provisions protect employees and persons who submit written complaints to the commission or provide information to an investigator during an investigation of a complaint or referral; providing applicability; authorizing certain employees or applicants for employment to file complaints in accordance with specified provisions; authorizing certain complainants to pursue a specified administrative remedy or a civil action within a specified timeframe; requiring specified relief; providing applicability; providing that it is an affirmative defense to certain actions that the adverse personnel action was predicated on grounds other than the exercising of certain protected rights; providing construction; amending s. 112.324, F.S.; requiring the Commission on Ethics to deliver copies of complaints and any amendment thereto to the Public Employees Relations Commission upon receiving a written request from the agency; providing that such delivery does not affect specified exemptions in regard to the complaint and amendments; requiring that such delivery be within a reasonable timeframe; requiring that the Commission on Ethics redact certain information under specified conditions; requiring the commission to deliver complaints and any amendment thereto to certain persons upon a notarized written request; providing that such delivery does not affect



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the specified exemptions of the complaint; requiring that such delivery be within a reasonable timeframe; requiring that the commission redact certain information under specified conditions; creating s. 112.3243, F.S.; authorizing certain employees to file a complaint with the commission within a specified timeframe; requiring that the commission acknowledge receipt of such complaint and provide copies of the complaint and any other information to the agency head or independent contractor within a specified timeframe; requiring the commission to conduct informal fact-finding regarding legally sufficient complaints and provide, within a specified timeframe, a certain report to the agency head or independent contractor; providing that the commission is empowered to take specified actions; requiring the commission to notify a complainant of the status of the investigation and actions taken when appropriate; requiring the commission to make a certain determination and provide a fact-finding report to specified entities under specified conditions; requiring the commission to file such determination and report with the agency head or independent contractor under specified conditions; requiring the commission to provide a certain notice to specified entities under specified conditions; requiring the commission to terminate investigations under specified circumstances; prohibiting disciplinary action against an employee under specified conditions; authorizing



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388 complainants to file a complaint against the employer  
389 agency with the Public Employees Relations Commission;  
390 providing that such commission has jurisdiction over  
391 such complaints; authorizing the Commission on Ethics  
392 to adopt rules; reenacting s. 112.3136(1), F.S.,  
393 relating to standards of conduct for officers and  
394 employees of entities serving as chief administrative  
395 officer of political subdivisions, to incorporate the  
396 amendment made to s. 112.313, F.S., in a reference  
397 thereto; providing an effective date.