

1 A bill to be entitled
 2 An act relating to public corruption; amending s.
 3 838.014, F.S.; deleting the definition of the term
 4 "corruptly" or "with corrupt intent"; defining the
 5 term "governmental entity"; expanding the definition
 6 of the term "public servant" to include certain
 7 persons who are acting on behalf of a governmental
 8 entity; amending s. 838.015, F.S.; redefining the term
 9 "bribery" to include knowing and intentional, rather
 10 than corrupt, acts; amending s. 838.016, F.S.;
 11 revising the prohibition against unlawful compensation
 12 or reward for official behavior to conform to changes
 13 made by the act; amending s. 838.022, F.S.; revising
 14 the prohibition against official misconduct to conform
 15 to changes made by the act; amending s. 838.22, F.S.;
 16 revising the prohibition against bid tampering to
 17 conform to changes made by the act; reenacting s.
 18 817.568(11), F.S., relating to criminal use of
 19 personal identification information, to incorporate
 20 the amendment made by the act to s. 838.014, F.S., in
 21 a reference thereto; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 838.014, Florida Statutes, is amended
 26 to read:

27 838.014 Definitions.—As used in this chapter, the term:

28 (1) "Benefit" means gain or advantage, or anything
 29 regarded by the person to be benefited as a gain or advantage,
 30 including the doing of an act beneficial to any person in whose
 31 welfare he or she is interested, including any commission, gift,
 32 gratuity, property, commercial interest, or any other thing of
 33 economic value not authorized by law.

34 (2) "Bid" includes a response to an "invitation to bid,"
 35 "invitation to negotiate," "request for a quote," or "request
 36 for proposals" as those terms are defined in s. 287.012.

37 (3) "Commodity" means any goods, merchandise, wares,
 38 produce, chose in action, land, article of commerce, or other
 39 tangible or intangible property, real, personal, or mixed, for
 40 use, consumption, production, enjoyment, or resale.

41 (4) "Governmental entity" means the state, including any
 42 unit of the executive, legislative, and judicial branches of
 43 government, political subdivisions and any agency or office
 44 thereof, or any other public entity that independently exercises
 45 any type of governmental function ~~"Corruptly" or "with corrupt~~
 46 ~~intent" means acting knowingly and dishonestly for a wrongful~~
 47 ~~purpose.~~

48 (5) "Harm" means pecuniary or other loss, disadvantage, or
 49 injury to the person affected.

50 (6) "Public servant" means:

51 (a) Any officer or employee of a governmental state,
 52 ~~county, municipal, or special district agency or entity;~~

53 (b) Any legislative or judicial officer or employee;
 54 (c) Any person, except a witness, who acts as a general or
 55 special magistrate, receiver, auditor, arbitrator, umpire,
 56 referee, consultant, or hearing officer while performing a
 57 governmental function; ~~or~~

58 (d) A candidate for election or appointment to any of the
 59 positions listed in this subsection, or an individual who has
 60 been elected to, but has yet to officially assume the
 61 responsibilities of, public office; or

62 (e) To the extent that the individual's conduct relates to
 63 the performance of a public duty of a governmental entity, any
 64 officer, director, partner, manager, representative, or employee
 65 of a nongovernmental entity, private corporation, quasi-public
 66 corporation, or quasi-public entity, or any person subject to
 67 chapter 119 who is acting on behalf of a governmental entity.
 68 For purposes of this paragraph, the term "nongovernmental
 69 entity" means a person, association, cooperative, corporation,
 70 partnership, organization, or other entity, whether operating
 71 for profit or not for profit, which is not a governmental
 72 entity.

73 (7) "Service" means any kind of activity performed in
 74 whole or in part for economic benefit.

75 Section 2. Subsection (1) of section 838.015, Florida
 76 Statutes, is amended to read:

77 838.015 Bribery.—

78 (1) For purposes of this section, the term "bribery" means

79 ~~corruptly~~ to knowingly and intentionally give, offer, or promise
 80 to any public servant, or, if a public servant, ~~corruptly~~ to
 81 knowingly and intentionally request, solicit, accept, or agree
 82 to accept for himself or herself or another, any pecuniary or
 83 other benefit not authorized by law with an intent or purpose to
 84 influence the performance of any act or omission which the
 85 person believes to be, or the public servant represents as
 86 being, within the official discretion of a public servant, in
 87 violation of a public duty, or in performance of a public duty.

88 Section 3. Subsections (1) and (2) of section 838.016,
 89 Florida Statutes, are amended to read:

90 838.016 Unlawful compensation or reward for official
 91 behavior.—

92 (1) It is unlawful for any person ~~corruptly~~ to knowingly
 93 and intentionally give, offer, or promise to any public servant,
 94 or, if a public servant, ~~corruptly~~ to knowingly and
 95 intentionally request, solicit, accept, or agree to accept, any
 96 pecuniary or other benefit not authorized by law, for the past,
 97 present, or future performance, nonperformance, or violation of
 98 any act or omission which the person believes to have been, or
 99 the public servant represents as having been, either within the
 100 official discretion of the public servant, in violation of a
 101 public duty, or in performance of a public duty. This section
 102 does not ~~Nothing herein shall be construed to~~ preclude a public
 103 servant from accepting rewards for services performed in
 104 apprehending any criminal.

105 (2) It is unlawful for any person ~~corruptly~~ to knowingly
 106 and intentionally give, offer, or promise to any public servant,
 107 or, if a public servant, ~~corruptly~~ to knowingly and
 108 intentionally request, solicit, accept, or agree to accept, any
 109 pecuniary or other benefit not authorized by law for the past,
 110 present, or future exertion of any influence upon or with any
 111 other public servant regarding any act or omission which the
 112 person believes to have been, or which is represented to him or
 113 her as having been, either within the official discretion of the
 114 other public servant, in violation of a public duty, or in
 115 performance of a public duty.

116 Section 4. Subsection (1) of section 838.022, Florida
 117 Statutes, is amended, and subsection (2) of that section is
 118 republished, to read:

119 838.022 Official misconduct.—

120 (1) It is unlawful for a public servant, ~~with corrupt~~
 121 ~~intent~~ to knowingly and intentionally obtain an improper a
 122 benefit for any person or to cause unlawful harm to another by
 123 ~~to~~:

124 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
 125 falsify, any official record or official document;

126 (b) Concealing, covering up, destroying, mutilating, or
 127 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 128 official record or official document or causing ~~cause~~ another
 129 person to perform such an act; or

130 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~

131 ~~or prevent~~ the communication of information relating to the
 132 commission of a felony that directly involves or affects the
 133 governmental public agency or public entity served by the public
 134 servant.

135 (2) For the purposes of this section:

136 (a) The term "public servant" does not include a candidate
 137 who does not otherwise qualify as a public servant.

138 (b) An official record or official document includes only
 139 public records.

140 Section 5. Subsections (1) and (2) of section 838.22,
 141 Florida Statutes, are amended to read:

142 838.22 Bid tampering.—

143 (1) It is unlawful for a public servant, ~~with corrupt~~
 144 ~~intent~~ to knowingly and intentionally influence or attempt to
 145 influence, in an improper manner, the competitive bidding
 146 process undertaken by any governmental state, county, municipal,
 147 ~~or special district agency, or any other public entity~~, for the
 148 procurement of commodities or services, by ~~to~~:

149 (a) Disclosing ~~Disclose~~ material information concerning a
 150 bid or other aspects of the competitive bidding process when
 151 such information is not publicly disclosed.

152 (b) Altering or amending ~~Alter or amend~~ a submitted bid,
 153 documents or other materials supporting a submitted bid, or bid
 154 results for the purpose of intentionally providing a competitive
 155 advantage to any person who submits a bid.

156 (2) It is unlawful for a public servant, ~~with corrupt~~

157 ~~intent~~ to knowingly and intentionally obtain an improper a
 158 benefit for any person or to cause unlawful harm to another by
 159 circumventing, ~~to circumvent~~ a competitive bidding process
 160 required by law or rule by using a sole-source contract for
 161 commodities or services.

162 Section 6. For the purpose of incorporating the amendment
 163 made by this act to section 838.014, Florida Statutes, in a
 164 reference thereto, subsection (11) of section 817.568, Florida
 165 Statutes, is reenacted to read:

166 817.568 Criminal use of personal identification
 167 information.—

168 (11) A person who willfully and without authorization
 169 fraudulently uses personal identification information concerning
 170 an individual who is 60 years of age or older; a disabled adult
 171 as defined in s. 825.101; a public servant as defined in s.
 172 838.014; a veteran as defined in s. 1.01; a first responder as
 173 defined in s. 125.01045; an individual who is employed by the
 174 State of Florida; or an individual who is employed by the
 175 Federal Government without first obtaining the consent of that
 176 individual commits a felony of the second degree, punishable as
 177 provided in s. 775.082, s. 775.083, or s. 775.084.

178 Section 7. This act shall take effect October 1, 2016.