

By Representative Brutus

1                                   A bill to be entitled  
2           An act relating to restriction on employment of  
3           relatives by public officials; amending s.  
4           112.3135, F.S.; eliminating exemptions from the  
5           prohibition against employment of relatives by  
6           public officials to apply the prohibition to  
7           public officials of universities, community  
8           colleges districts, and district school boards,  
9           for which there are penalties for violation;  
10          providing an effective date.

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

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14           Section 1. Section 112.3135, Florida Statutes, is  
15 amended to read:

16           112.3135 Restriction on employment of relatives.--

17           (1) In this section, unless the context otherwise  
18 requires:

19           (a) "Agency" means:

20           1. A state agency, ~~except an institution under the~~  
21 ~~jurisdiction of the Division of Universities of the Department~~  
22 ~~of Education;~~

23           2. An office, agency, or other establishment in the  
24 legislative branch;

25           3. An office, agency, or other establishment in the  
26 judicial branch;

27           4. A county;

28           5. A city; and

29           6. Any other political subdivision of the state,  
30 ~~except a district school board or community college district.~~

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1           (b) "Collegial body" means a governmental entity  
2 marked by power or authority vested equally in each of a  
3 number of colleagues.

4           (c) "Public official" means an officer, including a  
5 member of the Legislature, the Governor, and a member of the  
6 Cabinet, or an employee of an agency in whom is vested the  
7 authority by law, rule, or regulation, or to whom the  
8 authority has been delegated, to appoint, employ, promote, or  
9 advance individuals or to recommend individuals for  
10 appointment, employment, promotion, or advancement in  
11 connection with employment in an agency, including the  
12 authority as a member of a collegial body to vote on the  
13 appointment, employment, promotion, or advancement of  
14 individuals.

15           (d) "Relative," for purposes of this section only,  
16 with respect to a public official, means an individual who is  
17 related to the public official as father, mother, son,  
18 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
19 niece, husband, wife, father-in-law, mother-in-law,  
20 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
21 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
22 stepsister, half brother, or half sister.

23           (2)(a) A public official may not appoint, employ,  
24 promote, or advance, or advocate for appointment, employment,  
25 promotion, or advancement, in or to a position in the agency  
26 in which the official is serving or over which the official  
27 exercises jurisdiction or control any individual who is a  
28 relative of the public official. An individual may not be  
29 appointed, employed, promoted, or advanced in or to a position  
30 in an agency if such appointment, employment, promotion, or  
31 advancement has been advocated by a public official, serving

1 in or exercising jurisdiction or control over the agency, who  
2 is a relative of the individual or if such appointment,  
3 employment, promotion, or advancement is made by a collegial  
4 body of which a relative of the individual is a member.

5 (b) ~~However,~~ This subsection does ~~shall~~ not apply to:

6 1. Appointments to boards other than those with  
7 land-planning or zoning responsibilities in those  
8 municipalities with less than 35,000 population.

9 2. ~~This subsection does not apply to~~ Persons serving  
10 in a volunteer capacity who provide emergency medical,  
11 firefighting, or police services. Such persons may receive,  
12 without losing their volunteer status, reimbursements for the  
13 costs of any training they get relating to the provision of  
14 volunteer emergency medical, firefighting, or police services  
15 and payment for any incidental expenses relating to those  
16 services that they provide.

17 (c) ~~(b)~~ Mere approval of budgets shall not be  
18 sufficient to constitute "jurisdiction or control" for the  
19 purposes of this section.

20 (3) An agency may prescribe regulations authorizing  
21 the temporary employment, in the event of an emergency as  
22 defined in s. 252.34(3), of individuals whose employment would  
23 be otherwise prohibited by this section.

24 (4) Legislators' relatives may be employed as pages or  
25 messengers during legislative sessions.

26 Section 2. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Eliminates exemptions from the prohibition against employment of relatives by public officials to apply the prohibition to public officials of universities, community colleges districts, and district school boards, violation of which subjects the official to any one or more of the following: removal or suspension from office, public censure and reprimand, forfeiture of a portion of monthly salary for a limited period, a civil penalty, or restitution of pecuniary benefits received.