

By the Committee on State Administration and  
 Representatives Brutus, Richardson, Siplin, Diaz-Balart,  
 Lacasa, Mack and Byrd

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          deleting the definition of "collegial body";  
 11          removing provisions that prohibit the  
 12          appointment, employment, promotion, or  
 13          advancement of any individual if such  
 14          appointment, employment, promotion, or  
 15          advancement is made by a collegial body of  
 16          which a relative of the individual is a member;  
 17          amending s. 721.05, F.S.; correcting a cross  
 18          reference, to conform; providing an effective  
 19          date.

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

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 23           Section 1. Section 112.3135, Florida Statutes, is  
 24 amended to read:

25           112.3135 Restriction on employment of relatives.--

26           (1) In this section, unless the context otherwise  
 27 requires:

28           (a) "Agency" means:

29           1. A state agency, ~~except an institution under the~~  
 30 ~~jurisdiction of the Division of Universities of the Department~~  
 31 ~~of Education;~~

- 1           2. An office, agency, or other establishment in the  
2 legislative branch;
- 3           3. An office, agency, or other establishment in the  
4 judicial branch;
- 5           4. A county;
- 6           5. A city; and
- 7           6. Any other political subdivision of the state,  
8 ~~except a district school board or community college district.~~
- 9           ~~(b) "Collegial body" means a governmental entity~~  
10 ~~marked by power or authority vested equally in each of a~~  
11 ~~number of colleagues.~~
- 12           (b)(c) "Public official" means an officer, including a  
13 member of the Legislature, the Governor, and a member of the  
14 Cabinet, or an employee of an agency in whom is vested the  
15 authority by law, rule, or regulation, or to whom the  
16 authority has been delegated, to appoint, employ, promote, or  
17 advance individuals or to recommend individuals for  
18 appointment, employment, promotion, or advancement in  
19 connection with employment in an agency, ~~including the~~  
20 ~~authority as a member of a collegial body to vote on the~~  
21 ~~appointment, employment, promotion, or advancement of~~  
22 ~~individuals.~~
- 23           (c)(d) "Relative," for purposes of this section only,  
24 with respect to a public official, means an individual who is  
25 related to the public official as father, mother, son,  
26 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
27 niece, husband, wife, father-in-law, mother-in-law,  
28 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
29 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
30 stepsister, half brother, or half sister.
- 31

1           (2)(a) A public official may not appoint, employ,  
2 promote, or advance, or advocate for appointment, employment,  
3 promotion, or advancement, in or to a position in the agency  
4 in which the official is serving or over which the official  
5 exercises jurisdiction or control any individual who is a  
6 relative of the public official. An individual may not be  
7 appointed, employed, promoted, or advanced in or to a position  
8 in an agency if such appointment, employment, promotion, or  
9 advancement has been advocated by a public official, serving  
10 in or exercising jurisdiction or control over the agency, who  
11 is a relative of the individual ~~or if such appointment,~~  
12 ~~employment, promotion, or advancement is made by a collegial~~  
13 ~~body of which a relative of the individual is a member.~~

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

15           **1.** Appointments to boards other than those with  
16 land-planning or zoning responsibilities in those  
17 municipalities with less than 35,000 population.

18           **2.** ~~This subsection does not apply to~~ Persons serving  
19 in a volunteer capacity who provide emergency medical,  
20 firefighting, or police services. Such persons may receive,  
21 without losing their volunteer status, reimbursements for the  
22 costs of any training they get relating to the provision of  
23 volunteer emergency medical, firefighting, or police services  
24 and payment for any incidental expenses relating to those  
25 services that they provide.

26           **(c)** ~~(b)~~ Mere approval of budgets shall not be  
27 sufficient to constitute "jurisdiction or control" for the  
28 purposes of this section.

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

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

5 Section 2. Paragraph (a) of subsection (18) of section  
6 721.05, Florida Statutes, is amended to read:

7 721.05 Definitions.--As used in this chapter, the  
8 term:

9 (18) "Independent," for purposes of determining  
10 eligibility of escrow agents and trustees pursuant to s.  
11 721.03(7), means that:

12 (a) The escrow agent or trustee is not a relative, as  
13 described in s. 112.3135(1)(c)(~~d~~), or an employee of the  
14 developer, seller, or managing entity, or of any officer,  
15 director, affiliate, or subsidiary thereof.

16 Section 3. This act shall take effect July 1, 2001.

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