

By Senator Crist

13-1162-02

See HB

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A bill to be entitled

An act relating to public employment; amending s. 112.3135, F.S.; prohibiting the employment or promotion of certain persons; providing an effective date.

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

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

112.3135 Restriction on employment of relatives.--

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

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Division of Universities of the Department of Education;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.

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

(c) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the

1 authority by law, rule, or regulation, or to whom the
2 authority has been delegated, to appoint, employ, promote, or
3 advance individuals or to recommend individuals for
4 appointment, employment, promotion, or advancement in
5 connection with employment in an agency, including the
6 authority as a member of a collegial body to vote on the
7 appointment, employment, promotion, or advancement of
8 individuals.

9 (d) "Relative," for purposes of this section only,
10 with respect to a public official, means an individual who is
11 related to the public official as father, mother, son,
12 daughter, brother, sister, uncle, aunt, first cousin, nephew,
13 niece, husband, wife, father-in-law, mother-in-law,
14 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
15 stepfather, stepmother, stepson, stepdaughter, stepbrother,
16 stepsister, half brother, ~~or~~ half sister, person who is
17 engaged to be married to the public officer or employee or who
18 otherwise holds himself or herself out as or is generally
19 known as the person whom the public officer or employee
20 intends to marry or with whom the public officer or employee
21 intends to form a household, or any other natural person
22 having the same legal residence as the public officer or
23 employee.

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

1 advancement has been advocated by a public official, serving
2 in or exercising jurisdiction or control over the agency, who
3 is a relative of the individual or if such appointment,
4 employment, promotion, or advancement is made by a collegial
5 body of which a relative of the individual is a member.
6 However, this subsection shall not apply to appointments to
7 boards other than those with land-planning or zoning
8 responsibilities in those municipalities with less than 35,000
9 population. 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 (b) Mere approval of budgets shall not be sufficient
18 to constitute "jurisdiction or control" for the purposes of
19 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, 2002.
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HOUSE SUMMARY

Adds a person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee to the list of relatives subject to the antinepotism laws.