

By Senator Cowin

20-891-04

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A bill to be entitled  
An act relating to additional employment by  
state correctional employees; amending s.  
944.38, F.S.; providing that an officer or  
employee of the Department of Corrections is  
not prohibited from accepting other employment  
or secondary employment under certain  
conditions; providing an effective date.

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

Section 1. Section 944.38, Florida Statutes, is  
amended to read:

944.38 Acceptance of remuneration from contractor;  
dealing or barter with prisoners; interest in contract;  
penalty.--

(1)(a) An ~~No~~ officer or employee of the department may  
not ~~shall~~ receive any compensation whatsoever, directly or  
indirectly, for any act or service that ~~which~~ she or he may do  
or perform for or on behalf of any officer or employee or  
agent, or employee of a contractor. ~~An~~ ~~nor shall any~~ officer  
or employee of the department or the state may not have an  
interest ~~be interested~~, directly or indirectly, in any  
contract or purchase made, or authorized to be made, by anyone  
for or on behalf of the department.

(b) This subsection does not prevent an officer or  
employee of the department from accepting other employment or  
following any pursuit that does not interfere with the full  
and faithful discharge by the officer or employee of his or  
her duties to the department. This subsection does not prevent  
an officer or employee of the department from accepting

1 secondary employment with an entity contracting with the  
2 department if the officer or employee does not have  
3 responsibilities or involvement with the department's award or  
4 management of the contract or with the process of making  
5 referrals to or evaluating the contracting entity.

6 (2) An ~~No~~ officer or employee of the department or of  
7 the state, or any contractor, or employee of a contractor, may  
8 not shall, without permission of the department, make any gift  
9 or present to a prisoner, ~~or~~ receive a gift or present the  
10 ~~same~~ from any prisoner, or have any barter or dealings with  
11 any prisoner.

12 (3) For any violation of the provisions of this  
13 section the officer or employee of the state shall be  
14 discharged from her or his office or service; and every  
15 contractor, or employee, or agent of a contractor engaged  
16 therein, and a party thereto, shall be expelled from the  
17 institutional grounds, and not again permitted within the same  
18 as a contractor, agent, or employee.

19 Section 2. This act shall take effect upon becoming a  
20 law.

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23 SENATE SUMMARY

24 Provides that an officer or employee of the Department of  
25 Corrections is not prohibited from accepting other  
26 employment or secondary employment under certain  
27 conditions.  
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