

HB 0655

2004

1 A bill to be entitled
 2 An act relating to secondary employment of state
 3 correctional officers and employees; amending s. 944.38,
 4 F.S.; authorizing secondary employment or other pursuits
 5 by officers and employees of the Department of
 6 Corrections; specifying limitations on such employment or
 7 pursuits; providing an effective date.

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

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

13 944.38 Acceptance of remuneration from contractor; dealing
 14 or barter with prisoners; interest in contract; secondary
 15 employment; penalty.--

16 (1) No officer or employee of the department shall receive
 17 any compensation whatsoever, directly or indirectly, for any act
 18 or service which she or he may do or perform for or on behalf of
 19 any officer or employee or agent, or employee of a contractor;
 20 nor shall any officer or employee of the department or the state
 21 be interested, directly or indirectly, in any contract or
 22 purchase made, or authorized to be made, by anyone for or on
 23 behalf of the department.

24 (2) No officer or employee of the department or of the
 25 state, or any contractor, or employee of a contractor, shall,
 26 without permission of the department, make any gift or present
 27 to a prisoner, or receive the same from any prisoner, or have
 28 any barter or dealings with any prisoner.

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29 (3) For any violation of the provisions of this section
30 the officer or employee of the state shall be discharged from
31 her or his office or service; and every contractor, or employee,
32 or agent of a contractor engaged therein, and a party thereto,
33 shall be expelled from the institutional grounds, and not again
34 permitted within the same as a contractor, agent, or employee.

35 (4) Nothing in this section shall be construed to prevent
36 any officer or employee of the department from accepting
37 secondary employment or following any pursuit which does not
38 interfere with the full and faithful discharge of duty to the
39 state by the officer or employee. Moreover, nothing in this
40 section shall be construed to prevent any officer or employee
41 from accepting secondary employment with an entity that
42 contracts with the department so long as such officer or
43 employee has no responsibilities towards, or other involvement
44 with, the awarding or management of department contracts or the
45 process of making referrals to or the evaluation of the
46 contracting entity.

47 Section 2. This act shall take effect July 1, 2004.