

1 A bill to be entitled
 2 An act relating to the code of ethics for public officers
 3 and employees; amending s. 112.312, F.S.; redefining the
 4 term "agency" and defining the term "quasi-public entity";
 5 amending s. 112.313, F.S.; applying provisions of the code
 6 of ethics which prohibit conflicting employment or
 7 contractual relationships and limit permissible
 8 representations following termination of office or
 9 employment to owners, officers, and employees of
 10 consultants and contractors for certain entities created
 11 pursuant to law for a public purpose; providing penalties;
 12 providing an effective date.

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

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 16 Section 1. Subsection (2) of section 112.312, Florida
 17 Statutes, is amended, present subsections (21) through (24) of
 18 that section are renumbered as subsections (22) through (25),
 19 respectively, and a new subsection (21) is added to that section
 20 to read:

21 112.312 Definitions.--As used in this part and for
 22 purposes of the provisions of s. 8, Art. II of the State
 23 Constitution, unless the context otherwise requires:

24 (2) "Agency" means any state, regional, county, local, or
 25 municipal government entity of this state, whether executive,
 26 judicial, or legislative; any department, division, bureau,
 27 commission, authority, or political subdivision of this state
 28 therein; any quasi-public entity; or any public school,

29 community college, or state university.

30 (21) "Quasi-public entity" means an entity that is not the
 31 state, a political subdivision of the state, a municipality, or
 32 a department, division, bureau, commission, or authority
 33 subordinate to the state, a political subdivision of the state,
 34 or a municipality and that has been created by a government
 35 entity pursuant to law to accomplish a public purpose.

36 Section 2. Subsections (7) and (9) of section 112.313,
 37 Florida Statutes, are amended to read:

38 112.313 Standards of conduct for public officers,
 39 employees of agencies, and local government attorneys.--

40 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--

41 (a) No public officer or employee of an agency shall have
 42 or hold any employment or contractual relationship with any
 43 business entity or any agency which is subject to the regulation
 44 of, or is doing business with, an agency of which he or she is
 45 an officer or employee, excluding those organizations and their
 46 officers who, when acting in their official capacity, enter into
 47 or negotiate a collective bargaining contract with the state or
 48 any municipality, county, or other political subdivision of the
 49 state; nor shall an officer or employee of an agency have or
 50 hold any employment or contractual relationship that will create
 51 a continuing or frequently recurring conflict between his or her
 52 private interests and the performance of his or her public
 53 duties or that would impede the full and faithful discharge of
 54 his or her public duties.

55 1. When the agency referred to is that certain kind of
 56 special tax district created by general or special law and is

57 | limited specifically to constructing, maintaining, managing, and
58 | financing improvements in the land area over which the agency
59 | has jurisdiction, or when the agency has been organized pursuant
60 | to chapter 298, then employment with, or entering into a
61 | contractual relationship with, such business entity by a public
62 | officer or employee of such agency shall not be prohibited by
63 | this subsection or be deemed a conflict per se. However, conduct
64 | by such officer or employee that is prohibited by, or otherwise
65 | frustrates the intent of, this section shall be deemed a
66 | conflict of interest in violation of the standards of conduct
67 | set forth by this section.

68 | 2. When the agency referred to is a legislative body and
69 | the regulatory power over the business entity resides in another
70 | agency, or when the regulatory power which the legislative body
71 | exercises over the business entity or agency is strictly through
72 | the enactment of laws or ordinances, then employment or a
73 | contractual relationship with such business entity by a public
74 | officer or employee of a legislative body shall not be
75 | prohibited by this subsection or be deemed a conflict.

76 | (b) This subsection shall not prohibit a public officer or
77 | employee from practicing in a particular profession or
78 | occupation when such practice by persons holding such public
79 | office or employment is required or permitted by law or
80 | ordinance.

81 | (c) An owner or officer of an entity that acts as a
82 | consultant or contractor for a quasi-public entity, and any
83 | employee of such consultant or contractor the duties of whose
84 | position are managerial, policymaking, or professional in

85 nature, is subject to this subsection in the same manner as a
 86 public officer or employee of an agency unless specifically
 87 exempted by statute.

88 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 89 LEGISLATORS, AND LEGISLATIVE EMPLOYEES, AND OTHER PERSONS.--

90 (a)1. It is the intent of the Legislature to implement by
 91 statute the provisions of s. 8(e), Art. II of the State
 92 Constitution relating to legislators, statewide elected
 93 officers, appointed state officers, and designated public
 94 employees.

95 2. As used in this paragraph:

96 a. "Employee" means:

97 (I) Any person employed in the executive or legislative
 98 branch of government holding a position in the Senior Management
 99 Service as defined in s. 110.402 or any person holding a
 100 position in the Selected Exempt Service as defined in s. 110.602
 101 or any person having authority over policy or procurement
 102 employed by the Department of the Lottery.

103 (II) The Auditor General, the director of the Office of
 104 Program Policy Analysis and Government Accountability, the
 105 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 106 at Arms and Clerk of the House of Representatives.

107 (III) The executive director of the Legislative Committee
 108 on Intergovernmental Relations and the executive director and
 109 deputy executive director of the Commission on Ethics.

110 (IV) An executive director, staff director, or deputy
 111 staff director of each joint committee, standing committee, or
 112 select committee of the Legislature; an executive director,

113 staff director, executive assistant, analyst, or attorney of the
 114 Office of the President of the Senate, the Office of the Speaker
 115 of the House of Representatives, the Senate Majority Party
 116 Office, Senate Minority Party Office, House Majority Party
 117 Office, or House Minority Party Office; or any person, hired on
 118 a contractual basis, having the power normally conferred upon
 119 such persons, by whatever title.

120 (V) The Chancellor and Vice Chancellors of the State
 121 University System; the general counsel to the Board of Regents;
 122 and the president, vice presidents, and deans of each state
 123 university.

124 (VI) Any person having the power normally conferred upon
 125 the positions referenced in this sub-subparagraph.

126 (VII) Any employee of a quasi-public entity, the duties of
 127 whose position are managerial, policymaking, or professional in
 128 nature.

129 b. "Appointed state officer" means any member of an
 130 appointive board, commission, committee, council, or authority
 131 of the executive or legislative branch of state government whose
 132 powers, jurisdiction, and authority are not solely advisory and
 133 include the final determination or adjudication of any personal
 134 or property rights, duties, or obligations, other than those
 135 relative to its internal operations.

136 c. "State agency" means an entity of the legislative,
 137 executive, or judicial branch of state government over which the
 138 Legislature exercises plenary budgetary and statutory control.

139 3. No member of the Legislature, appointed state officer,
 140 or statewide elected officer shall personally represent another

141 person or entity for compensation before the government body or
142 agency of which the individual was an officer or member for a
143 period of 2 years following vacation of office. No member of the
144 Legislature shall personally represent another person or entity
145 for compensation during his or her term of office before any
146 state agency other than judicial tribunals or in settlement
147 negotiations after the filing of a lawsuit.

148 4. No agency employee shall personally represent another
149 person or entity for compensation before the agency with which
150 he or she was employed for a period of 2 years following
151 vacation of position, unless employed by another agency of state
152 government.

153 5. Any person violating this paragraph shall be subject to
154 the penalties provided in s. 112.317 and a civil penalty of an
155 amount equal to the compensation which the person receives for
156 the prohibited conduct.

157 6. This paragraph is not applicable to:

158 a. A person employed by the Legislature or other agency
159 prior to July 1, 1989;

160 b. A person who was employed by the Legislature or other
161 agency on July 1, 1989, whether or not the person was a defined
162 employee on July 1, 1989;

163 c. A person who was a defined employee of the State
164 University System or the Public Service Commission who held such
165 employment on December 31, 1994;

166 d. A person who has reached normal retirement age as
167 defined in s. 121.021(29), and who has retired under the
168 provisions of chapter 121 by July 1, 1991; or

169 e. Any appointed state officer whose term of office began
 170 before January 1, 1995, unless reappointed to that office on or
 171 after January 1, 1995.

172 (b) In addition to the provisions of this part which are
 173 applicable to legislators and legislative employees by virtue of
 174 their being public officers or employees, the conduct of members
 175 of the Legislature and legislative employees shall be governed
 176 by the ethical standards provided in the respective rules of the
 177 Senate or House of Representatives which are not in conflict
 178 herewith.

179 (c) An owner or officer of an entity that acts as a
 180 consultant or contractor for a quasi-public entity, and any
 181 employee of such consultant or contractor the duties of whose
 182 position are managerial, policymaking, or professional in
 183 nature, is subject to this subsection in the same manner as a
 184 member of the Legislature or an agency employee unless
 185 specifically exempted by statute.

186 Section 3. This act shall take effect July 1, 2006.