

1 | this state therein; any quasi-public entity; or any public
2 | school, community college, or state university.

3 | (21) "Quasi-public entity" means an entity that is not
4 | the state, a political subdivision of the state, a
5 | municipality, or a department, division, bureau, commission,
6 | or authority subordinate to the state, a political subdivision
7 | of the state, or a municipality and that has been created by a
8 | government entity pursuant to law to accomplish a public
9 | purpose.

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

12 | 112.313 Standards of conduct for public officers,
13 | employees of agencies, and local government attorneys.--

14 | (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL
15 | RELATIONSHIP.--

16 | (a) No public officer or employee of an agency shall
17 | have or hold any employment or contractual relationship with
18 | any business entity or any agency which is subject to the
19 | regulation of, or is doing business with, an agency of which
20 | he or she is an officer or employee, excluding those
21 | organizations and their officers who, when acting in their
22 | official capacity, enter into or negotiate a collective
23 | bargaining contract with the state or any municipality,
24 | county, or other political subdivision of the state; nor shall
25 | an officer or employee of an agency have or hold any
26 | employment or contractual relationship that will create a
27 | continuing or frequently recurring conflict between his or her
28 | private interests and the performance of his or her public
29 | duties or that would impede the full and faithful discharge of
30 | his or her public duties.

31 |

1 1. When the agency referred to is that certain kind of
2 special tax district created by general or special law and is
3 limited specifically to constructing, maintaining, managing,
4 and financing improvements in the land area over which the
5 agency has jurisdiction, or when the agency has been organized
6 pursuant to chapter 298, then employment with, or entering
7 into a contractual relationship with, such business entity by
8 a public officer or employee of such agency shall not be
9 prohibited by this subsection or be deemed a conflict per se.
10 However, conduct by such officer or employee that is
11 prohibited by, or otherwise frustrates the intent of, this
12 section shall be deemed a conflict of interest in violation of
13 the standards of conduct set forth by this section.

14 2. When the agency referred to is a legislative body
15 and the regulatory power over the business entity resides in
16 another agency, or when the regulatory power which the
17 legislative body exercises over the business entity or agency
18 is strictly through the enactment of laws or ordinances, then
19 employment or a contractual relationship with such business
20 entity by a public officer or employee of a legislative body
21 shall not be prohibited by this subsection or be deemed a
22 conflict.

23 (b) This subsection shall not prohibit a public
24 officer or employee from practicing in a particular profession
25 or occupation when such practice by persons holding such
26 public office or employment is required or permitted by law or
27 ordinance.

28 (c) An owner or officer of an entity that acts as a
29 consultant or contractor for a quasi-public entity, and any
30 employee of such consultant or contractor the duties of whose
31 position are managerial, policymaking, or professional in

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

4 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT
5 FOR LEGISLATORS, ~~AND~~ LEGISLATIVE EMPLOYEES, AND OTHER
6 PERSONS.--

7 (a)1. It is the intent of the Legislature to implement
8 by statute the provisions of s. 8(e), Art. II of the State
9 Constitution relating to legislators, statewide elected
10 officers, appointed state officers, and designated public
11 employees.

12 2. As used in this paragraph:

13 a. "Employee" means:

14 (I) Any person employed in the executive or
15 legislative branch of government holding a position in the
16 Senior Management Service as defined in s. 110.402 or any
17 person holding a position in the Selected Exempt Service as
18 defined in s. 110.602 or any person having authority over
19 policy or procurement employed by the Department of the
20 Lottery.

21 (II) The Auditor General, the director of the Office
22 of Program Policy Analysis and Government Accountability, the
23 Sergeant at Arms and Secretary of the Senate, and the Sergeant
24 at Arms and Clerk of the House of Representatives.

25 (III) The executive director of the Legislative
26 Committee on Intergovernmental Relations and the executive
27 director and deputy executive director of the Commission on
28 Ethics.

29 (IV) An executive director, staff director, or deputy
30 staff director of each joint committee, standing committee, or
31 select committee of the Legislature; an executive director,

1 staff director, executive assistant, analyst, or attorney of
2 the Office of the President of the Senate, the Office of the
3 Speaker of the House of Representatives, the Senate Majority
4 Party Office, Senate Minority Party Office, House Majority
5 Party Office, or House Minority Party Office; or any person,
6 hired on a contractual basis, having the power normally
7 conferred upon such persons, by whatever title.

8 (V) The Chancellor and Vice Chancellors of the State
9 University System; the general counsel to the Board of
10 Regents; and the president, vice presidents, and deans of each
11 state university.

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

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

17 b. "Appointed state officer" means any member of an
18 appointive board, commission, committee, council, or authority
19 of the executive or legislative branch of state government
20 whose powers, jurisdiction, and authority are not solely
21 advisory and include the final determination or adjudication
22 of any personal or property rights, duties, or obligations,
23 other than those relative to its internal operations.

24 c. "State agency" means an entity of the legislative,
25 executive, or judicial branch of state government over which
26 the Legislature exercises plenary budgetary and statutory
27 control.

28 3. No member of the Legislature, appointed state
29 officer, or statewide elected officer shall personally
30 represent another person or entity for compensation before the
31 government body or agency of which the individual was an

1 officer or member for a period of 2 years following vacation
2 of office. No member of the Legislature shall personally
3 represent another person or entity for compensation during his
4 or her term of office before any state agency other than
5 judicial tribunals or in settlement negotiations after the
6 filing of a lawsuit.

7 4. No agency employee shall personally represent
8 another person or entity for compensation before the agency
9 with which he or she was employed for a period of 2 years
10 following vacation of position, unless employed by another
11 agency of state government.

12 5. Any person violating this paragraph shall be
13 subject to the penalties provided in s. 112.317 and a civil
14 penalty of an amount equal to the compensation which the
15 person receives for the prohibited conduct.

16 6. This paragraph is not applicable to:

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

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

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

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

28 e. Any appointed state officer whose term of office
29 began before January 1, 1995, unless reappointed to that
30 office on or after January 1, 1995.

31

