



1           WHEREAS, the people of Florida through Article II,  
2 Section 8 of the Florida Constitution require that individuals  
3 holding offices or employment on behalf of the state do so in  
4 public trust, and

5           WHEREAS, the Legislature has determined persons in  
6 positions of public trust must meet the highest level of  
7 professionalism and ethical standards and that the law shall  
8 protect against any conflict of interest, and

9           WHEREAS, officers and employees of quasi-public  
10 entities created for a public purpose must be prohibited from  
11 breaching the public trust for personal gain and must be held  
12 to the same code of ethics as public officers and employees,  
13 NOW, THEREFORE,

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

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17           Section 1. Subsections (2) and (9) of section 112.312,  
18 Florida Statutes, are amended, present subsections (21)  
19 through (24) are renumbered as subsections (22) through (25),  
20 respectively, and a new subsection (21) is added to that  
21 section, to read:

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

25           (2) "Agency" means any state, regional, county, local,  
26 or municipal government entity of this state, whether  
27 executive, judicial, or legislative; any department, division,  
28 bureau, commission, authority, or political subdivision of  
29 this state therein; any quasi-public entity; or any public  
30 school, community college, or state university.  
31

1           (9) "Corruptly" means done with a wrongful intent and  
2 for the purpose of obtaining, or compensating or receiving  
3 compensation for, any benefit resulting from some act or  
4 omission of a public or quasi-public servant which is  
5 inconsistent with the proper performance of his or her public  
6 or quasi-public duties.

7           (21) "Quasi-public entity" means an entity that has  
8 been created by a government entity pursuant to law to  
9 accomplish a public purpose and that is not a state or local  
10 government entity.

11           Section 2. Subsection (3), paragraph (a) of subsection  
12 (7), and paragraph (a) of subsection (9) of section 112.313,  
13 Florida Statutes, are amended to read:

14           112.313 Standards of conduct for public officers,  
15 employees of agencies, and local government attorneys.--

16           (3) DOING BUSINESS WITH ONE'S AGENCY.--No employee of  
17 an agency acting in his or her official capacity as a  
18 purchasing agent, or public officer acting in his or her  
19 official capacity, shall either directly or indirectly  
20 purchase, rent, or lease any realty, goods, or services for  
21 his or her own agency from any business entity of which the  
22 officer or employee or the officer's or employee's spouse or  
23 child is an officer, partner, director, or proprietor or in  
24 which such officer or employee or the officer's or employee's  
25 spouse or child, or any combination of them, has a material  
26 interest. Nor shall a public officer or employee, acting in a  
27 private capacity, rent, lease, or sell any realty, goods, or  
28 services to the officer's or employee's own agency, if he or  
29 she is a state or quasi-public entity officer or employee, or  
30 to any political subdivision or any agency thereof, if he or  
31 she is serving as an officer or employee of that political

1 subdivision. The foregoing shall not apply to district offices  
2 maintained by legislators when such offices are located in the  
3 legislator's place of business or when such offices are on  
4 property wholly or partially owned by the legislator. This  
5 subsection shall not affect or be construed to prohibit  
6 contracts entered into prior to:

7 (a) October 1, 1975.

8 (b) Qualification for elective office.

9 (c) Appointment to public office.

10 (d) Beginning public employment.

11 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL

12 RELATIONSHIP.--

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

28 1. When the agency referred to is that certain kind of  
29 special tax district created by general or special law and is  
30 limited specifically to constructing, maintaining, managing,  
31 and financing improvements in the land area over which the

1 agency has jurisdiction, or when the agency has been organized  
2 pursuant to chapter 298, then employment with, or entering  
3 into a contractual relationship with, such business entity by  
4 a public officer or employee of such agency shall not be  
5 prohibited by this subsection or be deemed a conflict per se.  
6 However, conduct by such officer or employee that is  
7 prohibited by, or otherwise frustrates the intent of, this  
8 section shall be deemed a conflict of interest in violation of  
9 the standards of conduct set forth by this section.

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

19           (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT  
20 FOR LEGISLATORS, ~~AND~~ LEGISLATIVE EMPLOYEES, AND OTHER  
21 PERSONS.--

22           (a)1. It is the intent of the Legislature to implement  
23 by statute the provisions of s. 8(e), Art. II of the State  
24 Constitution relating to legislators, statewide elected  
25 officers, appointed state officers, and designated public  
26 employees.

27           2. As used in this paragraph:

28           a. "Employee" means:

29           (I) Any person employed in the executive or  
30 legislative branch of government holding a position in the  
31 Senior Management Service as defined in s. 110.402 or any

1 person holding a position in the Selected Exempt Service as  
2 defined in s. 110.602 or any person having authority over  
3 policy or procurement employed by the Department of the  
4 Lottery.

5 (II) The Auditor General, the director of the Office  
6 of Program Policy Analysis and Government Accountability, the  
7 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
8 at Arms and Clerk of the House of Representatives.

9 (III) The executive director of the Legislative  
10 Committee on Intergovernmental Relations and the executive  
11 director and deputy executive director of the Commission on  
12 Ethics.

13 (IV) An executive director, staff director, or deputy  
14 staff director of each joint committee, standing committee, or  
15 select committee of the Legislature; an executive director,  
16 staff director, executive assistant, analyst, or attorney of  
17 the Office of the President of the Senate, the Office of the  
18 Speaker of the House of Representatives, the Senate Majority  
19 Party Office, Senate Minority Party Office, House Majority  
20 Party Office, or House Minority Party Office; or any person,  
21 hired on a contractual basis, having the power normally  
22 conferred upon such persons, by whatever title.

23 (V) The Chancellor and Vice Chancellors of the State  
24 University System; the general counsel to the Board of  
25 Regents; and the president, vice presidents, and deans of each  
26 state university.

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

29 b. "Appointed state officer" means any member of an  
30 appointive board, commission, committee, council, or authority  
31 of the executive or legislative branch of state government

1 whose powers, jurisdiction, and authority are not solely  
2 advisory and include the final determination or adjudication  
3 of any personal or property rights, duties, or obligations,  
4 other than those relative to its internal operations.

5 c. "State agency" means an entity of the legislative,  
6 executive, or judicial branch of state government over which  
7 the Legislature exercises plenary budgetary and statutory  
8 control.

9 3. No member of the Legislature, appointed state  
10 officer, or statewide elected officer shall personally  
11 represent another person or entity for compensation before the  
12 government body or agency of which the individual was an  
13 officer or member for a period of 2 years following vacation  
14 of office. No member of the Legislature shall personally  
15 represent another person or entity for compensation during his  
16 or her term of office before any state agency other than  
17 judicial tribunals or in settlement negotiations after the  
18 filing of a lawsuit.

19 4. No agency employee shall personally represent  
20 another person or entity for compensation before the agency  
21 with which he or she was employed for a period of 2 years  
22 following vacation of position, unless employed by another  
23 agency of state government.

24 5. No employee of a quasi-public entity the duties of  
25 whose position are managerial, policymaking, or professional  
26 in nature and no officer of a quasi-public entity shall  
27 personally represent another person or entity for compensation  
28 before the agency with which he or she was employed for a  
29 period of 2 years following vacation of position unless  
30 employed by another agency as defined in s. 112.312(2).  
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1           ~~6.5-~~ Any person violating this paragraph shall be  
2 subject to the penalties provided in s. 112.317 and a civil  
3 penalty of an amount equal to the compensation which the  
4 person receives for the prohibited conduct.

5           ~~7.6-~~ This paragraph is not applicable to:

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

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

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

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

17           e. Any appointed state officer whose term of office  
18 began before January 1, 1995, unless reappointed to that  
19 office on or after January 1, 1995; ~~or-~~

20           f. Any officer or employee of a quasi-public entity  
21 whose term of office or employment began before July 1, 2006,  
22 unless reappointed as an officer to that office on or after  
23 July 1, 2006.

24           Section 3. Subsections (1) and (8) of section 112.317,  
25 Florida Statutes, are amended to read:

26           112.317 Penalties.--

27           (1) Violation of any provision of this part,  
28 including, but not limited to, any failure to file any  
29 disclosures required by this part or violation of any standard  
30 of conduct imposed by this part, or violation of any provision  
31 of s. 8, Art. II of the State Constitution, in addition to any



1 | criminal penalty or other civil penalty involved, shall,  
2 | pursuant to applicable constitutional and statutory  
3 | procedures, constitute grounds for, and may be punished by,  
4 | one or more of the following:  
5 |       (a) In the case of a public or quasi-public officer:  
6 |           1. Impeachment.  
7 |           2. Removal from office.  
8 |           3. Suspension from office.  
9 |           4. Public censure and reprimand.  
10 |          5. Forfeiture of no more than one-third salary per  
11 | month for no more than 12 months.  
12 |          6. A civil penalty not to exceed \$10,000.  
13 |          7. Restitution of any pecuniary benefits received  
14 | because of the violation committed.  
15 |       (b) In the case of an employee of an agency or a  
16 | person designated as a public officer by this part who  
17 | otherwise would be deemed to be an employee:  
18 |           1. Dismissal from employment.  
19 |           2. Suspension from employment for not more than 90  
20 | days without pay.  
21 |           3. Demotion.  
22 |           4. Reduction in salary level.  
23 |           5. Forfeiture of no more than one-third salary per  
24 | month for no more than 12 months.  
25 |          6. A civil penalty not to exceed \$10,000.  
26 |          7. Restitution of any pecuniary benefits received  
27 | because of the violation committed.  
28 |          8. Public censure and reprimand.  
29 |       (c) In the case of a candidate who violates the  
30 | provisions of this part or s. 8(a) and (i), Art. II of the  
31 | State Constitution:

- 1           1. Disqualification from being on the ballot.
- 2           2. Public censure.
- 3           3. Reprimand.
- 4           4. A civil penalty not to exceed \$10,000.

5           (d) In the case of a former public or quasi-public  
6 officer or employee who has violated a provision applicable to  
7 former officers or employees or whose violation occurred prior  
8 to such officer's or employee's leaving public or quasi-public  
9 office or employment:

- 10           1. Public censure and reprimand.
- 11           2. A civil penalty not to exceed \$10,000.
- 12           3. Restitution of any pecuniary benefits received  
13 because of the violation committed.

14           (8) In any case in which the commission determines  
15 that a person has filed a complaint against a public or  
16 quasi-public officer or employee with a malicious intent to  
17 injure the reputation of such officer or employee by filing  
18 the complaint with knowledge that the complaint contains one  
19 or more false allegations or with reckless disregard for  
20 whether the complaint contains false allegations of fact  
21 material to a violation of this part, the complainant shall be  
22 liable for costs plus reasonable attorney's fees incurred in  
23 the defense of the person complained against, including the  
24 costs and reasonable attorney's fees incurred in proving  
25 entitlement to and the amount of costs and fees. If the  
26 complainant fails to pay such costs and fees voluntarily  
27 within 30 days following such finding by the commission, the  
28 commission shall forward such information to the Department of  
29 Legal Affairs, which shall bring a civil action in a court of  
30 competent jurisdiction to recover the amount of such costs and  
31 fees awarded by the commission.

1           Section 4. Paragraph (d) of subsection (8) of section  
2 112.324, Florida Statutes, is amended to read:

3           112.324 Procedures on complaints of violations; public  
4 records and meeting exemptions.--

5           (8) If, in cases pertaining to complaints other than  
6 complaints against impeachable officers or members of the  
7 Legislature, upon completion of a full and final investigation  
8 by the commission, the commission finds that there has been a  
9 violation of this part or of s. 8, Art. II of the State  
10 Constitution, it shall be the duty of the commission to report  
11 its findings and recommend appropriate action to the proper  
12 disciplinary official or body as follows, and such official or  
13 body shall have the power to invoke the penalty provisions of  
14 this part, including the power to order the appropriate  
15 elections official to remove a candidate from the ballot for a  
16 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the  
17 State Constitution:

18           (d) Except as otherwise provided by this part, the  
19 Governor, in the case of any other public or quasi-public  
20 officer, public or quasi-public employee, former public or  
21 quasi-public officer or public employee, candidate, or former  
22 candidate.

23           Section 5. (1) A member of the Cabinet shall, during  
24 his or her term of office, place all his or her personal  
25 investments in a publicly traded mutual fund or a blind trust  
26 at a financial institution. If such member acquires a  
27 financial interest that is prohibited by s. 112.313, Florida  
28 Statutes, during his or her term of office due to events or  
29 actions beyond his or her control, he or she shall immediately  
30 sell such financial interest or place it in a blind trust at a  
31 financial institution.

1           (2) A member of the Cabinet may not:

2           (a) Attempt to influence or exercise any control over  
3 decisions regarding the management of assets in a blind trust  
4 that is created pursuant to subsection (1).

5           (b) Engage, directly or indirectly, in an activity  
6 involving any financial interest of that member which violates  
7 s. 112.313, Florida Statutes.

8           Section 6. If any provision of this act or the  
9 application thereof to any individual or circumstance is held  
10 invalid, such invalidity shall not affect other provisions or  
11 applications of this act which can be given effect without the  
12 invalid provision or application, and to this end the  
13 provisions of this act are to be severable.

14           Section 7. This act shall take effect July 1, 2006.

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16                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17   COMMITTEE SUBSTITUTE FOR  
18   Senate Bill 880

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20 Committee Substitute for Senate Bill 880 removes the proposed  
21 language that would have made portions of the ethics code  
22 applicable to private entities which contract with or consult  
23 for quasi-public entities. The CS applies the two-year  
24 revolving door prohibition of section 112.313(9), F.S., to  
25 quasi-public entity officers and employees and provides an  
26 exemption to this prohibition for those officers and employees  
27 already in office or employed by July 1, 2006. The proposed  
28 language applies the penalty provisions of section 112.317 to  
29 quasi-public officers and employees. The bill also requires  
30 Cabinet members to place all personal investments into either  
31 a publicly traded mutual fund or blind trust during their term  
of office.

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