

By Senator Dockery

15-02953D-08

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1                   A bill to be entitled  
2           An act relating to voting conflicts; providing a short  
3           title; amending s. 112.3143, F.S.; providing a cross-  
4           reference to conform to changes made by the act; creating  
5           s. 112.31435, F.S.; providing definitions; prohibiting a  
6           member of the Legislature from voting upon or  
7           participating in any legislation inuring to the personal  
8           gain or loss of the member or his or her relative;  
9           prohibiting a member of the Legislature from participating  
10          in any legislation inuring to the personal gain or loss of  
11          a business associate, employer, board on which the member  
12          sits, principal by whom the member is retained, or parent  
13          corporation or subsidiary of such principal; requiring  
14          that a member disclose all such interests to the  
15          applicable legislative body or committee before such  
16          legislation is considered; requiring that the member  
17          disclose the specific nature of any such interests within  
18          a specified period after the date on which a vote on the  
19          legislation occurs; requiring that such disclosure be made  
20          by written memorandum and filed with the Secretary of the  
21          Senate or the Clerk of the House of Representatives;  
22          requiring that the memorandum be displayed in the journal  
23          of the house of which the legislator is a member;  
24          providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28           Section 1. This act may be cited as the "Restoring Trust in  
29 Government Act."

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30 Section 2. Subsection (2) of section 112.3143, Florida  
31 Statutes, is amended to read:

32 112.3143 Voting conflicts.--

33 (2) Except as provided in s. 112.31435, no state public  
34 officer is prohibited from voting in an official capacity on any  
35 matter. However, any state public officer voting in an official  
36 capacity upon any measure which would inure to the officer's  
37 special private gain or loss; which he or she knows would inure  
38 to the special private gain or loss of any principal by whom the  
39 officer is retained or to the parent organization or subsidiary  
40 of a corporate principal by which the officer is retained; or  
41 which the officer knows would inure to the special private gain  
42 or loss of a relative or business associate of the public officer  
43 shall, within 15 days after the vote occurs, disclose the nature  
44 of his or her interest as a public record in a memorandum filed  
45 with the person responsible for recording the minutes of the  
46 meeting, who shall incorporate the memorandum in the minutes.

47 Section 3. Section 112.31435, Florida Statutes, is created  
48 to read:

49 112.31435 Voting conflicts; state legislators.--

50 (1) For purposes of this section, the term:

51 (a) "Participate" means any attempt, other than casting a  
52 vote, to influence the passage, defeat, or amendment of  
53 legislation by oral or written communication made by a legislator  
54 or at such legislator's direction.

55 (b) "Relative" means any father, mother, son, daughter,  
56 husband, wife, brother, sister, father-in-law, mother-in-law,  
57 son-in-law, or daughter-in-law.

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58       (2) A member of the Legislature may not vote upon or  
59 participate in any legislation that would inure to his or her  
60 special private gain or loss or that he or she knows would inure  
61 to the special private gain or loss of his or her relative. The  
62 member shall, before any consideration of the legislation by the  
63 legislative body of which he or she is a member or any committee  
64 on which the member sits, publicly state to the body or committee  
65 all of his or her interests in the legislation or all of the  
66 relative's interests in the legislation which are known to the  
67 member and, within 15 days after the date on which a vote on the  
68 legislation occurs, disclose the specific nature of those  
69 interests as a public record in a memorandum filed with the  
70 Secretary of the Senate, if the member is a Senator, or the Clerk  
71 of the House of Representatives, if the member is a  
72 Representative. The memorandum shall be spread upon the pages of  
73 the journal of the house of which the legislator is a member.

74       (3) A member of the Legislature may not participate in any  
75 legislation that he or she knows would inure to the special  
76 private gain or loss of a principal by whom he or she is  
77 retained, the parent organization or subsidiary of a corporate  
78 principal by which he or she is retained, a business associate,  
79 an employer, or a board upon which the member sits. The member  
80 shall, before any consideration of the legislation by the  
81 legislative body of which he or she is a member or any committee  
82 on which the member sits, publicly state to the body or committee  
83 all of the interests in the legislation of such principals,  
84 parent organizations or subsidiaries of a corporate principal,  
85 business associates, employers, or boards which are known to the  
86 member and, within 15 days after the date on which a vote on the

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87 legislation occurs, disclose the specific nature of those  
88 interests as a public record in a memorandum filed with the  
89 Secretary of the Senate, if the member is a Senator, or the Clerk  
90 of the House of Representatives, if the member is a  
91 Representative. The memorandum shall be spread upon the pages of  
92 the journal of the house of which the legislator is a member.

93 Section 4. This act shall take effect July 1, 2008.