

By Senator Bennett

21-01665-09

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1                                   A bill to be entitled  
 2           An act relating to public employment; amending s.  
 3           112.3135, F.S.; deleting a provision that exempts  
 4           district school boards or community college districts  
 5           from a restriction on the employment of relatives;  
 6           amending s. 112.313, F.S.; prohibiting a public  
 7           officer from receiving dual compensation or being paid  
 8           more than once for coincident hours of the workday;  
 9           providing an effective date.

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

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 13           Section 1. Paragraph (a) of subsection (1) of section  
 14           112.3135, Florida Statutes, is amended to read:

- 15           112.3135 Restriction on employment of relatives.—  
 16           (1) In this section, unless the context otherwise requires:  
 17           (a) "Agency" means:  
 18           1. A state agency, except an institution under the  
 19           jurisdiction of the Board of Governors of the State University  
 20           System;  
 21           2. An office, agency, or other establishment in the  
 22           legislative branch;  
 23           3. An office, agency, or other establishment in the  
 24           judicial branch;  
 25           4. A county;  
 26           5. A city; and  
 27           6. Any other political subdivision of the state, ~~except a~~  
 28           ~~district school board or community college district.~~

29           Section 2. Paragraph (a) of subsection (7) of section

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30 112.313, Florida Statutes, is amended to read:

31 112.313 Standards of conduct for public officers, employees  
32 of agencies, and local government attorneys.—

33 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

48 1. When the agency referred to is that certain kind of  
49 special tax district created by general or special law and is  
50 limited specifically to constructing, maintaining, managing, and  
51 financing improvements in the land area over which the agency  
52 has jurisdiction, or when the agency has been organized pursuant  
53 to chapter 298, then employment with, or entering into a  
54 contractual relationship with, such business entity by a public  
55 officer or employee of such agency shall not be prohibited by  
56 this subsection or be deemed a conflict per se. However, conduct  
57 by such officer or employee that is prohibited by, or otherwise  
58 frustrates the intent of, this section shall be deemed a

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59 conflict of interest in violation of the standards of conduct  
60 set forth by this section.

61         2. When the agency referred to is a legislative body and  
62 the regulatory power over the business entity resides in another  
63 agency, or when the regulatory power which the legislative body  
64 exercises over the business entity or agency is strictly through  
65 the enactment of laws or ordinances, then employment or a  
66 contractual relationship with such business entity or agency by  
67 a public officer or employee of a legislative body shall not be  
68 prohibited by this subsection or be deemed a conflict unless the  
69 public officer is receiving dual compensation or being paid more  
70 than once for coincident hours of the workday.

71         Section 3. This act shall take effect July 1, 2009.