

By Senator Dockery

15-00839-09

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

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30           Section 1. This act may be cited as the "Restoring Trust in  
31 Government Act."

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

34           112.3143 Voting conflicts.—

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

50           Section 3. Section 112.31435, Florida Statutes, is created  
51 to read:

52           112.31435 Voting conflicts; state legislators.—

53           (1) As used in this section, the term:

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

58           (b) "Relative" means any father, mother, son, daughter,

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59 husband, wife, brother, sister, father-in-law, mother-in-law,  
60 son-in-law, or daughter-in-law.

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

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

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88 principal, business associates, employers, or boards which are  
89 known to the member and, within 15 days after the date on which  
90 a vote on the legislation occurs, disclose the specific nature  
91 of those interests as a public record in a memorandum filed with  
92 the Secretary of the Senate, if the member is a Senator, or the  
93 Clerk of the House of Representatives, if the member is a  
94 Representative. The memorandum shall be spread upon the pages of  
95 the journal of the house of which the legislator is a member.

96 Section 4. This act shall take effect July 1, 2009.