

HB 1071

2011

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

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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

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29 in Government Act."

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 that ~~which~~ would inure to the  
 37 officer's special private gain or loss; that ~~which~~ he or she  
 38 knows would inure to the special private gain or loss of any  
 39 principal by whom the officer is retained or to the parent  
 40 organization or subsidiary of a corporate principal by which the  
 41 officer is retained; or that ~~which~~ the officer knows would inure  
 42 to the special private gain or loss of a relative or business  
 43 associate of the public officer shall, within 15 days after the  
 44 vote occurs, disclose the nature of his or her interest as a  
 45 public record in a memorandum filed with the person responsible  
 46 for recording the minutes of the meeting, who shall incorporate  
 47 the memorandum in the minutes.

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

50 112.31435 Voting conflicts; state legislators.—

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

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

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

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57 husband, wife, brother, sister, father-in-law, mother-in-law,  
58 son-in-law, or daughter-in-law.

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

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

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

95 Section 4. This act shall take effect July 1, 2011.