

By Senator Ring

32-00109-11

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1                                   A bill to be entitled  
2           An act relating to local government attorneys;  
3           amending s. 112.313, F.S.; prohibiting a local  
4           government attorney or the law firm in which the  
5           attorney is a member, partner, or employee from  
6           representing more than one local government within a  
7           county with respect to certain matters; providing an  
8           effective date.

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

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12           Section 1. Subsection (16) of section 112.313, Florida  
13   Statutes, is amended to read:

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

16           (16) LOCAL GOVERNMENT ATTORNEYS.—

17           (a) For the purposes of this section, "local government  
18   attorney" means any individual who routinely serves as the  
19   attorney for a unit of local government. The term does ~~shall~~ not  
20   include any person who renders legal services to a unit of local  
21   government pursuant to contract limited to a specific issue or  
22   subject, to specific litigation, or to a specific administrative  
23   proceeding. For the purposes of this section, "unit of local  
24   government" includes, but is not limited to, municipalities,  
25   counties, and special districts.

26           (b) It is ~~shall~~ not ~~constitute~~ a violation of subsection  
27   (3) or subsection (7) for a unit of local government to contract  
28   with a law firm, operating as ~~either~~ a partnership or a  
29   professional association, or in any combination thereof, or with

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30 a local government attorney who is a member of or is otherwise  
31 associated with the law firm, to provide any or all legal  
32 services to the unit of local government, so long as the local  
33 government attorney is not a full-time employee or member of the  
34 governing body of the unit of local government. However, the  
35 standards of conduct as provided in subsections (2), (4), (5),  
36 (6), and (8) ~~shall~~ apply to any person who serves as a local  
37 government attorney.

38 (c) A ~~No~~ local government attorney or law firm in which the  
39 local government attorney is a member, partner, or employee may  
40 not ~~shall~~ represent a private individual or entity before the  
41 unit of local government to which the local government attorney  
42 provides legal services. A local government attorney whose  
43 contract with the unit of local government does not include  
44 provisions that authorize or mandate the use of the law firm of  
45 the local government attorney to complete legal services for the  
46 unit of local government may ~~shall~~ not recommend or otherwise  
47 refer legal work to that attorney's law firm to be completed for  
48 the unit of local government.

49 (d) A local government attorney or law firm in which the  
50 local government attorney is a member, partner, or employee may  
51 not represent more than one local government within a county  
52 with respect to the same zoning or planning matter or related  
53 matters.

54 Section 2. This act shall take effect July 1, 2011.