

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

29 | with any line-item appropriation; providing an  
 30 | effective date.

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32 | Be It Enacted by the Legislature of the State of Florida:

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34 | Section 1. Subsections (1) and (2) of section 112.3143,  
 35 | Florida Statutes, are amended to read:

36 | 112.3143 Voting conflicts.—

37 | (1) As used in this section:

38 | (a) "Public officer" includes any person elected or  
 39 | appointed to hold office in any agency, including any person  
 40 | serving on an advisory body.

41 | (b) "Relative" means any father, mother, son, daughter,  
 42 | husband, wife, brother, sister, father-in-law, mother-in-law,  
 43 | son-in-law, or daughter-in-law.

44 | (c) "Special private gain or loss" means a gain or loss  
 45 | that inures only to the benefit or detriment of a public officer  
 46 | or his or her relative, principal, or corporate parent or  
 47 | subsidiary of a corporate principal, or a gain or loss that  
 48 | inures to the benefit or detriment of an enumerated beneficiary  
 49 | differently than the rest of those affected by the matter.

50 | (2) Except as provided in s. 112.31435, no state public  
 51 | officer is prohibited from voting in an official capacity on any  
 52 | matter. However, any state public officer voting in an official  
 53 | capacity upon any measure that ~~which~~ would inure to the  
 54 | officer's special private gain or loss; that ~~which~~ he or she  
 55 | knows would inure to the special private gain or loss of any  
 56 | principal by whom the officer is retained or of ~~to~~ the parent

57 organization or subsidiary of a corporate principal by which the  
 58 officer is retained; or that ~~which~~ the officer knows would inure  
 59 to the special private gain or loss of a relative or business  
 60 associate of the public officer shall, within 15 days after the  
 61 vote occurs, disclose the nature of his or her interest as a  
 62 public record in a memorandum filed with the person responsible  
 63 for recording the minutes of the meeting, who shall incorporate  
 64 the memorandum in the minutes.

65 Section 2. Section 112.31435, Florida Statutes, is created  
 66 to read:

67 112.31435 Voting conflicts; state legislators.-

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

69 (a) "Participate" means any attempt, other than casting a  
 70 vote, to influence the passage, defeat, or amendment of  
 71 legislation by oral or written communication made by a  
 72 legislator or at the legislator's direction.

73 (b) "Relative" means any father, mother, son, daughter,  
 74 husband, wife, brother, sister, father-in-law, mother-in-law,  
 75 son-in-law, or daughter-in-law.

76 (c) "Special private gain or loss" means a gain or loss  
 77 that inures only to the benefit or detriment of a public officer  
 78 or his or her relative, principal, or corporate parent or  
 79 subsidiary of a corporate principal, or a gain or loss that  
 80 inures to the benefit or detriment of an enumerated beneficiary  
 81 differently than the rest of those affected by the matter.

82 (2) A member of the Legislature may not vote upon or  
 83 participate in any legislation that would inure to his or her  
 84 special private gain or loss or that he or she knows would inure

85 to the special private gain or loss of his or her relative. The  
86 member must, before any consideration of the legislation by the  
87 legislative body of which he or she is a member or any committee  
88 on which he or she sits, publicly state to the body or committee  
89 all of his or her interests in the legislation or all of the  
90 relative's interests in the legislation which are known to the  
91 member and, within 15 days after the date on which a vote on the  
92 legislation occurs, disclose the specific nature of those  
93 interests as a public record in a memorandum filed with the  
94 Secretary of the Senate, if the member is a Senator, or filed  
95 with the Clerk of the House of Representatives, if the member is  
96 a Representative. The memorandum shall be spread upon the pages  
97 of the journal of the house of which the legislator is a member.

98 (3) A member of the Legislature may not participate in any  
99 legislation that he or she knows would inure to the special  
100 private gain or loss of a principal by whom he or she is  
101 retained, the parent organization or subsidiary of a corporate  
102 principal by which he or she is retained, a business associate,  
103 an employer, or a board on which the member sits. The member  
104 must, before any consideration of the legislation by the  
105 legislative body of which he or she is a member or any committee  
106 on which he or she sits, publicly state to the body or committee  
107 all of the interests in the legislation of the principals,  
108 parent organizations or subsidiaries of a corporate principal,  
109 business associates, employers, or boards which are known to the  
110 member and, within 15 days after the date on which a vote on the  
111 legislation occurs, disclose the specific nature of those  
112 interests as a public record in a memorandum filed with the

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113 Secretary of the Senate, if the member is a Senator, or filed  
114 with the Clerk of the House of Representatives, if the member is  
115 a Representative. The memorandum shall be spread upon the pages  
116 of the journal of the house of which the legislator is a member.

117 (4) A member of the Legislature must vote on the General  
118 Appropriations Act and must disclose any conflict of interest  
119 that the legislator may have with a line-item appropriation in  
120 the act.

121 Section 3. This act shall take effect October 1, 2012.