

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Fasano offered the following:

Amendment (with title amendment)

Between lines 411 and 412, insert:

Section 4. Subsection (12) of section 112.313, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

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

(12) EXEMPTION.—The requirements of subsections (3) and (7), as they pertain to persons serving on advisory boards, may be waived in a particular instance by the body that ~~which~~ appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body before ~~prior to~~ the waiver and an affirmative vote in favor of waiver by a two-thirds vote of that body. If the ~~In instances~~

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17 ~~in which~~ appointment to the advisory board is made by an
18 individual, the waiver may be effected, after a public hearing,
19 by a determination by the appointing person and a full
20 disclosure of the transaction or relationship by the appointee
21 to the appointing person. In addition, a ~~no~~ person may not ~~shall~~
22 be held in violation of subsection (3) or subsection (7) if:

23 (a) Within a municipality ~~city~~ or county, the business is
24 transacted under a rotation system whereby the business
25 transactions are rotated among all qualified suppliers of the
26 goods or services within the municipality ~~city~~ or county.

27 (b) The business is awarded under a system of sealed,
28 competitive bidding to the lowest or best bidder and:

29 1. The official or the official's spouse or child has not
30 ~~in no way~~ participated in the determination of the bid
31 specifications or the determination of the lowest or best
32 bidder;

33 2. The official or the official's spouse or child has not
34 ~~in no way~~ used or attempted to use the official's influence to
35 persuade the agency or any personnel thereof to enter such a
36 contract other than by the mere submission of the bid; and

37 3. The official, before ~~prior to~~ or at the time of the
38 submission of the bid, ~~has~~ filed a statement with the Commission
39 on Ethics, if the official is a state officer or employee, or
40 with the supervisor of elections of the county in which the
41 agency has its principal office, if the official is an officer
42 or employee of a political subdivision, disclosing the
43 official's interest, or the interest of the official's spouse or
44 child, and the nature of the intended business.

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45 (c) The purchase or sale is for legal advertising in a
46 newspaper, for any utilities service, or for passage on a common
47 carrier.

48 (d) An emergency purchase or contract that ~~which~~ would
49 otherwise violate ~~a provision of~~ subsection (3) or subsection
50 (7) must be made in order to protect the health, safety, or
51 welfare of residents ~~the citizens~~ of the state or any political
52 subdivision thereof.

53 (e) The business entity involved is the only source of
54 supply within the political subdivision of the officer or
55 employee and there is full disclosure by the officer or employee
56 of his or her interest in the business entity to the governing
57 body of the political subdivision before ~~prior to~~ the purchase,
58 rental, sale, leasing, or other business is being transacted.

59 (f) The total amount of the transactions in the aggregate
60 between the business entity and the agency does not exceed \$500
61 per calendar year.

62 (g) The fact that a county or municipal officer or member
63 of a public board or body, including a district school officer
64 or an officer of any district within a county, is a stockholder,
65 officer, or director of a bank does ~~will~~ not bar such bank from
66 qualifying as a depository of funds ~~coming~~ under the
67 jurisdiction of any such public board or body if, ~~provided~~ it
68 appears in the records of the agency that the governing body of
69 the agency has determined that such officer or member ~~of a~~
70 ~~public board or body~~ has not favored such bank over other
71 qualified banks.

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72 (h) The transaction is made pursuant to s. 1004.22 or s.
73 1004.23 and is specifically approved by the president and the
74 chair of the university board of trustees. The chair of the
75 university board of trustees shall annually submit to the
76 Governor and the Legislature by March 1 ~~of each year~~ a report of
77 the transactions approved pursuant to this paragraph during the
78 preceding year.

79 (i) The public officer or employee purchases in a private
80 capacity goods or services, at a price and upon terms available
81 to similarly situated members of the general public, from a
82 business entity that ~~which~~ is doing business with his or her
83 agency.

84 (j) The public officer or employee in a private capacity
85 purchases goods or services from a business entity that ~~which~~ is
86 subject to the regulation of his or her agency and:

87 1. The price and terms of the transaction are available to
88 similarly situated members of the general public; and

89 2. The officer or employee makes full disclosure of the
90 relationship to the agency head or governing body before ~~prior~~
91 ~~to~~ the transaction.

92
93 All disclosures required by this subsection must be made in
94 writing on forms prescribed by the commission as provided in s.
95 112.3147.

96 (18) PUBLIC OFFICERS.—A public officer or employee of an
97 agency may not knowingly, or with reason to know, act in a
98 manner that would cause a reasonable person, having knowledge of
99 the relevant circumstances, to conclude that a person can

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100 improperly influence the officer or employee or unduly enjoy his
101 or her favor in the performance of his or her official duties,
102 or that the officer or employee is likely to act or fail to act
103 as a result of kinship, rank, position, or undue influence of
104 any party or person. It is unreasonable to so conclude if the
105 officer or employee has disclosed in writing to his or her
106 appointing authority or, if no appointing authority exists,
107 publically discloses the facts that would otherwise lead to such
108 a conclusion.

T I T L E A M E N D M E N T

112 Remove line 18 and insert:

113 statement; amending s. 112.313, F.S.; requiring that
114 all disclosures otherwise required by law be made in
115 writing on forms prescribed by the Commission on
116 Ethics; providing that a public officer may not act in
117 such a way that suggests that the officer can be
118 improperly influenced; creating s. 112.3142, F.S.;

119 defining the