

By the Committee on Governmental Oversight and Accountability;  
and Senator Ring

585-02535-14

2014990c1

1 A bill to be entitled  
2 An act relating to public officers and employees;  
3 amending s. 112.313, F.S.; removing an exception from  
4 prohibited employment or a prohibited contractual  
5 relationship for an officer or employee of certain  
6 special tax districts or an agency organized pursuant  
7 to ch. 298, F.S.; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11 Section 1. Subsection (7) of section 112.313, Florida  
12 Statutes, is amended to read:

13 112.313 Standards of conduct for public officers, employees  
14 of agencies, and local government attorneys.—

15 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

16 (a) A ~~No~~ public officer or employee of an agency may not  
17 ~~shall~~ have or hold any employment or contractual relationship  
18 with any business entity or any agency ~~which is~~ subject to the  
19 regulation of, or ~~is~~ doing business with, an agency of which he  
20 or she is an officer or employee, excluding those organizations  
21 and their officers who, when acting in their official capacity,  
22 enter into or negotiate a collective bargaining contract with  
23 the state or any municipality, county, or other political  
24 subdivision of the state; nor may shall an officer or employee  
25 of an agency have or hold any employment or contractual  
26 relationship that will create a continuing or frequently  
27 recurring conflict between his or her private interests and the  
28 performance of his or her public duties or that would impede the  
29 full and faithful discharge of his or her public duties.

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30 ~~1. When the agency referred to is that certain kind of~~  
31 ~~special tax district created by general or special law and is~~  
32 ~~limited specifically to constructing, maintaining, managing, and~~  
33 ~~financing improvements in the land area over which the agency~~  
34 ~~has jurisdiction, or when the agency has been organized pursuant~~  
35 ~~to chapter 298, then employment with, or entering into a~~  
36 ~~contractual relationship with, such business entity by a public~~  
37 ~~officer or employee of such agency shall not be prohibited by~~  
38 ~~this subsection or be deemed a conflict per se. However, conduct~~  
39 ~~by such officer or employee that is prohibited by, or otherwise~~  
40 ~~frustrates the intent of, this section shall be deemed a~~  
41 ~~conflict of interest in violation of the standards of conduct~~  
42 ~~set forth by this section.~~

43 ~~2. However, if~~ When the agency referred to is a legislative  
44 body and the regulatory power over the business entity resides  
45 in another agency, or when the regulatory power that ~~which~~ the  
46 legislative body exercises over the business entity or agency is  
47 strictly through the enactment of laws or ordinances, ~~then~~  
48 employment or a contractual relationship with such business  
49 entity by a public officer or employee of a legislative body is  
50 ~~shall not be~~ prohibited by this subsection or ~~be~~ deemed a  
51 conflict.

52 (b) This subsection shall not prohibit a public officer or  
53 employee from practicing in a particular profession or  
54 occupation when such practice by persons holding such public  
55 office or employment is required or permitted by law or  
56 ordinance.

57 Section 2. This act shall take effect July 1, 2014.