



897662

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/21/2015	.	
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The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 382 and 383
insert:

Section 1. Subsection (7) of section 112.313, Florida
Statutes, is amended to read:

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have
or hold any employment or contractual relationship with any



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12 business entity or any agency which is subject to the regulation
13 of, or is doing business with, an agency of which he or she is
14 an officer or employee, excluding those organizations and their
15 officers who, when acting in their official capacity, enter into
16 or negotiate a collective bargaining contract with the state or
17 any municipality, county, or other political subdivision of the
18 state; nor shall an officer or employee of an agency have or
19 hold any employment or contractual relationship that will create
20 a continuing or frequently recurring conflict between his or her
21 private interests and the performance of his or her public
22 duties or that would impede the full and faithful discharge of
23 his or her public duties. A contractual relationship held by a
24 business entity in which a public officer or an employee of an
25 agency holds a controlling interest or is an officer, director,
26 or managing member constitutes a contractual relationship
27 prohibited by this subsection.

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



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

49 **(b) A public officer serving on a county or municipal**
50 **board, commission, authority, or council who is a member,**
51 **associate, partner, shareholder, or employee of a firm of**
52 **licensed professionals is subject to the following:**

53 **1. A public officer has a contractual relationship only**
54 **with those clients of the firm:**

55 **a. For whom he or she has personally performed services;**

56 **b. Who are clients of a member, associate, partner,**
57 **shareholder, or employee of the firm who is supervised by, may**
58 **be terminated by, or whose compensation can be changed by the**
59 **public officer; or**

60 **c. Who provide compensation to the public officer which is**
61 **identifiable as earned from representation of the clients.**

62 **2. A prohibited continuing or frequently recurring conflict**
63 **between a public officer's private interests and the performance**
64 **of his or her public duties does not exist if a member,**
65 **associate, partner, shareholder, or employee of the public**
66 **officer's firm infrequently represents a client, other than**
67 **those described in subparagraph 1., and if:**

68 **a. The jurisdiction of the board, commission, authority, or**
69 **council is not limited to the primary practice area of the firm;**



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70 b. The public officer does not vote, participate, or
71 attempt to influence the outcome of the matter and he or she
72 makes full disclosure of and is in compliance with the
73 requirements of s. 112.3143 and 286.012; and

74 c. The representation by other members, associates,
75 partners, shareholders, or employees of the firm does not result
76 in the public officer abstaining from voting in more than 1
77 percent of the votes, not including procedural votes, in any 12-
78 month period. If abstentions by the public officer as a result
79 of representation by other members, associates, partners,
80 shareholders, or employees of the firm exceed 1 percent in any
81 12-month period, any such future representation shall be deemed
82 a conflict between the public officer's private interests and
83 the performance of his or her public duties for the remainder of
84 the public officer's term.

85 3. This paragraph does not relieve or discharge a public
86 officer or any other individual representing clients before a
87 board, commission, authority, or council from the applicable
88 rules of professional conduct, duties, or responsibilities
89 imposed by the appropriate licensing or regulatory body for the
90 applicable profession.

91 (c) This subsection ~~shall~~ does not prohibit a public
92 officer or employee from practicing in a particular profession
93 or occupation when such practice by persons holding such public
94 office or employment is required or permitted by law or
95 ordinance.

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

98 And the title is amended as follows:



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99 Delete line 26
100 and insert:
101 controls; amending s. 112.313, F.S.; specifying that
102 prohibitions on conflicting employment or contractual
103 relationships for public officers or employees of an
104 agency apply to contractual relationships held by
105 certain business entities; specifying circumstances
106 under which a public officer serving on a county or
107 municipal board, commission, authority, or council is
108 subject to conflicting employment or contractual
109 relationship restrictions; amending s. 112.31455,
110 F.S.; correcting a