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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/07/2016 10:59 AM

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Senator Brandes moved the following:

1 **Senate Substitute for Amendment (690366) (with title**
2 **amendment)**

3
4 Before line 111
5 insert:

6 Section 1. Paragraph (a) of subsection (7) of section
7 112.313, Florida Statutes, is amended to read:

8 112.313 Standards of conduct for public officers, employees
9 of agencies, and local government attorneys.—

10 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

11 (a) No public officer or employee of an agency shall have



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12 or hold any employment or contractual relationship with any
13 business entity or any agency which is subject to the regulation
14 of, or is doing business with, an agency of which he or she is
15 an officer or employee, excluding those organizations and their
16 officers who, when acting in their official capacity, enter into
17 or negotiate a collective bargaining contract with the state or
18 any municipality, county, or other political subdivision of the
19 state; nor shall an officer or employee of an agency have or
20 hold any employment or contractual relationship that will create
21 a continuing or frequently recurring conflict between his or her
22 private interests and the performance of his or her public
23 duties or that would impede the full and faithful discharge of
24 his or her public duties. If a public officer of an agency is an
25 attorney or is employed or holds a contractual relationship with
26 a professional association, he or she may not vote or otherwise
27 participate in any matter in which an officer, a director, a
28 manager, or an employee of the public officer's law firm or
29 professional association appears before the agency in a
30 representative capacity or as an interested party. The public
31 officer shall, before the vote is taken, publicly state to the
32 assembly the reason for his or her abstention. The public
33 officer may not discuss the matter with any other public officer
34 or employee of the agency or any person who has or holds
35 employment or a contractual relationship with the law firm or
36 professional association. As used in this paragraph, the term
37 "participate" has the same meaning as defined in paragraph s.
38 112.3143(4)(c).

39 1. When the agency referred to is that certain kind of
40 special tax district created by general or special law and is



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41 limited specifically to constructing, maintaining, managing, and
42 financing improvements in the land area over which the agency
43 has jurisdiction, or when the agency has been organized pursuant
44 to chapter 298, then employment with, or entering into a
45 contractual relationship with, such business entity by a public
46 officer or employee of such agency shall not be prohibited by
47 this subsection or be deemed a conflict per se. However, conduct
48 by such officer or employee that is prohibited by, or otherwise
49 frustrates the intent of, this section shall be deemed a
50 conflict of interest in violation of the standards of conduct
51 set forth by this section.

52 2. When the agency referred to is a legislative body and
53 the regulatory power over the business entity resides in another
54 agency, or when the regulatory power which the legislative body
55 exercises over the business entity or agency is strictly through
56 the enactment of laws or ordinances, then employment or a
57 contractual relationship with such business entity by a public
58 officer or employee of a legislative body shall not be
59 prohibited by this subsection or be deemed a conflict, and the
60 recusal provisions of this subsection shall not apply.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 2 - 3

65 and insert:

66 An act relating to public agencies; amending s.
67 112.313, F.S.; prohibiting certain public officers
68 from voting on or otherwise participating in a matter
69 related to a law firm or professional association in



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70 which the public officer has an interest; requiring
71 the public officer to make a public statement
72 regarding a vote abstention; defining the term
73 "participate"; revising applicability of certain
74 recusal provisions; amending s. 48.151, F.S.;
75 authorizing the