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LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/RE/3R	.	
05/05/2017 10:31 AM	.	
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Senator Bradley moved the following:

1   **Senate Amendment (with title amendment)**

2

3   Between lines 51 and 52

4   insert:

5   Section 2. Paragraph (a) of subsection (7) of section

6   112.313, Florida Statutes, is amended to read:

7   112.313 Standards of conduct for public officers, employees

8   of agencies, and local government attorneys.—

9   (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

11   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. It shall not be a violation of this
24 | section if a public officer is an attorney and another member of
25 | the officer's law firm appears in front of an agency of which
26 | the officer is a member. If an officer of an agency, other than
27 | those referred to in subsection (1) or subsection (2), is an
28 | attorney and another member of the officer's law firm appears
29 | before an agency of which the officer is a member, the officer
30 | must recuse himself or herself from any and all votes pertaining
31 | to any matter or client whom the law firm is representing before
32 | the agency. The officer must announce a conflict; recuse himself
33 | from the vote; not take part in any discussions, questions, or
34 | debate on the matter; and not discuss the matter with any other
35 | officer or employee of the agency or of the officer's law firm.
36 | 1. When the agency referred to is that certain kind of
37 | special tax district created by general or special law and is
38 | limited specifically to constructing, maintaining, managing, and
39 | financing improvements in the land area over which the agency
40 | has jurisdiction, or when the agency has been organized pursuant

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41 to chapter 298, then employment with, or entering into a
42 contractual relationship with, such business entity by a public
43 officer or employee of such agency shall not be prohibited by
44 this subsection or be deemed a conflict per se. However, conduct
45 by such officer or employee that is prohibited by, or otherwise
46 frustrates the intent of, this section shall be deemed a
47 conflict of interest in violation of the standards of conduct
48 set forth by this section.
49   2. When the agency referred to is a legislative body and
50 the regulatory power over the business entity resides in another
51 agency, or when the regulatory power which the legislative body
52 exercises over the business entity or agency is strictly through
53 the enactment of laws or ordinances, then employment or a
54 contractual relationship with such business entity by a public
55 officer or employee of a legislative body is shall not be
56 prohibited by this subsection or be deemed a conflict, and the
57 provision in this subsection requiring attorney recusal does not
58 apply.
59
60 ================= T I T L E   A M E N D M E N T ================
61 And the title is amended as follows:
62   Between lines 6 and 7
63 insert:
64   112.313, F.S.; allowing the associates of the officer
65   to appear before the agency of which an officer is a
66   member; requiring an officer of an agency to recuse
67   himself or herself from certain votes under certain
68   circumstances; specifying requirements for the
69   recusal; providing an exception; amending s.

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