

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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[2017h01379.hms]

BILL: CS/HB 1379 (CS/SB 1626)

INTRODUCER: Criminal Justice Subcommittee and Rep. J. Diaz (Criminal Justice Committee and Senator Bradley)

SUBJECT: Department of Legal Affairs

DATE: May 5, 2017

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**I. Amendments Contained in Message:**

**Senate Amendment 1 – 744562** – (body with title)

**II. Summary of Amendments Contained in Message:**

**Senate Amendment 1** adds a new Section 2 to the bill amending s. 112.313(7)(a), F.S., related to conflicting employment and contractual relationships.

Current law prohibits a public officer or employee from having employment or contractual relationships with any person or entity that is subject to the regulation of, or doing business with, the officer's/employee's agency; they also cannot have or hold any employment or contract that would present a continuing or frequently recurring conflict of interest. In the case of a public officer who is a lawyer, if a member of the officer's/employee's firm appears before his/her agency, then the officer/employee is in violation of this provision. The penalties in s. 112.317, F.S., would apply, ranging from censure to reprimand.

The amendment changes this dynamic by allowing other members of the firm to appear before the partner's/officer's agency if the officer/employee announces a conflict of interest, recuses himself or herself from any votes, discussions, questions, or debate on the matter before the agency, and does not discuss the matter with other firm members.

If the public officer or employee is part of a legislative body exercising legislative powers, another agency actually does the regulation, and a lawyer from the firm appears before the officer's legislative body, the public officer does not have to recuse himself/herself.

The amendment also made a technical change correcting references from "subsection" to "subparagraph."