

1 A bill to be entitled
 2 An act relating to standards of conduct for public
 3 officers; amending s. 112.313, F.S.; providing that
 4 certain public officers may not receive compensation
 5 for serving on certain boards, commissions,
 6 committees, councils, or other authorities under
 7 certain circumstances; providing an exception;
 8 providing definitions; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (7) of section 112.313, Florida
 13 Statutes, is amended to read:

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

16 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

17 (a) A ~~No~~ public officer or employee of an agency may not:
 18 ~~shall~~

19 1. Have or hold any employment or contractual relationship
 20 with any business entity or any agency which is subject to the
 21 regulation of, or is doing business with, an agency of which he
 22 or she is an public officer or employee, excluding those
 23 organizations and their officers who, when acting in their
 24 official capacity, enter into or negotiate a collective
 25 bargaining contract with the state or any municipality, county,

26 | or other political subdivision of the state .; ~~nor shall an~~
 27 | ~~officer or employee of an agency~~

28 | 2. Have or hold any employment or contractual relationship
 29 | that will create a continuing or frequently recurring conflict
 30 | between his or her private interests and the performance of his
 31 | or her public duties or that would impede the full and faithful
 32 | discharge of his or her public duties.

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

46 | b.2. When the agency referred to is a legislative body and
 47 | the regulatory power over the business entity resides in another
 48 | agency, or when the regulatory power which the legislative body
 49 | exercises over the business entity or agency is strictly through
 50 | the enactment of laws or ordinances, then employment or a

HB 1417

2020

51 contractual relationship with such business entity by a public
52 officer or employee of a legislative body is ~~shall~~ not ~~be~~
53 prohibited by this subsection or ~~be~~ deemed a conflict. However,
54 when the agency referred to is a legislative body, a public
55 officer may not receive compensation for serving on a board,
56 commission, committee, council, or authority, however selected,
57 other than his or her assigned legislative committees, as part
58 of his or her employment or contractual relationship in which
59 the public officer participates in any matter which would inure
60 to his or her special private gain or loss. For purposes of this
61 sub-subparagraph, the terms "special private gain or loss" and
62 "participate," have the same meaning as in s. 112.3143(1) and
63 (4) (c).

64 (b) This subsection does ~~shall~~ not prohibit a public
65 officer or employee from practicing in a particular profession
66 or occupation when such practice by persons holding such public
67 office or employment is required or permitted by law or
68 ordinance.

69 Section 2. This act shall take effect July 1, 2020.