



624552

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2023	.	
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The Committee on Ethics and Elections (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 51

and insert:

(a) A ~~No~~ public officer or employee of an agency may not ~~shall~~ have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity,



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11 enter into or negotiate a collective bargaining contract with
12 the state or any municipality, county, or other political
13 subdivision of the state; and ~~nor shall~~ an officer or employee
14 of an agency may not have or hold any employment or contractual
15 relationship that will create a continuing or frequently
16 recurring conflict between his or her private interests and the
17 performance of his or her public duties or that would impede the
18 full and faithful discharge of his or her public duties.

19 1. When the agency referred to is that certain kind of
20 special tax district created by general or special law and is
21 limited specifically to constructing, maintaining, managing, and
22 financing improvements in the land area over which the agency
23 has jurisdiction, or when the agency has been organized pursuant
24 to chapter 298, then employment with, or entering into a
25 contractual relationship with, such business entity by a public
26 officer or employee of such agency may ~~shall~~ not be prohibited
27 by this subsection or be deemed a conflict per se unless the
28 public officer or employee has a material interest in such
29 business entity or obtains a special private gain or loss as a
30 result of such employment or contractual relationship. However,
31 conduct by such officer or employee that is prohibited by, or
32 otherwise frustrates the intent of, this section, including
33 conduct that violates subsection (6), regarding misuse of public
34 position, and conduct that violates subsection (8), regarding
35 disclosure or use of certain information, must ~~shall~~ be deemed a
36 conflict of interest in violation of the standards of conduct
37 set forth by this section.

38 2. When the agency referred to is a legislative body and
39 the regulatory power over the business entity resides in another



40 agency, or when the regulatory power which the legislative body
41 exercises over the business entity or agency is strictly through
42 the enactment of laws or ordinances, then employment or a
43 contractual relationship with such business entity by a public
44 officer or employee of a legislative body shall not be
45 prohibited by this subsection or be deemed a conflict.

46 Section 2. Section 112.3142, Florida Statutes, is amended
47 to read:

48 112.3142 Ethics training for specified constitutional
49 officers, elected municipal officers, ~~and~~ commissioners, and
50 elected local officers of independent special districts.-

51 (1) As used in this section, the term "constitutional
52 officers" includes the Governor, the Lieutenant Governor, the
53 Attorney General, the Chief Financial Officer, the Commissioner
54 of Agriculture, state attorneys, public defenders, sheriffs, tax
55 collectors, property appraisers, supervisors of elections,
56 clerks of the circuit court, county commissioners, district
57 school board members, and superintendents of schools.

58 (2) (a) All constitutional officers must complete 4 hours of
59 ethics training each calendar year which addresses, at a
60 minimum, s. 8, Art. II of the State Constitution, the Code of
61 Ethics for Public Officers and Employees, and the public records
62 and public meetings laws of this state. This requirement may be
63 satisfied by completion of a continuing legal education class or
64 other continuing professional education class, seminar, or
65 presentation if the required subjects are covered.

66 (b) All elected municipal officers must complete 4 hours of
67 ethics training each calendar year which addresses, at a
68 minimum, s. 8, Art. II of the State Constitution, the Code of



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69 Ethics for Public Officers and Employees, and the public records
70 and public meetings laws of this state. This requirement may be
71 satisfied by completion of a continuing legal education class or
72 other continuing professional education class, seminar, or
73 presentation if the required subjects are covered.

74 (c) Beginning January 1, 2020, each commissioner of a
75 community redevelopment agency created under part III of chapter
76 163 must complete 4 hours of ethics training each calendar year
77 which addresses, at a minimum, s. 8, Art. II of the State
78 Constitution, the Code of Ethics for Public Officers and
79 Employees, and the public records and public meetings laws of
80 this state. This requirement may be satisfied by completion of a
81 continuing legal education class or other continuing
82 professional education class, seminar, or presentation, if the
83 required subject material is covered by the class.

84 (d) Beginning January 1, 2024, each elected local officer
85 of an independent special district as defined in s. 189.012 and
86 each person who is appointed to fill a vacancy for an unexpired
87 term of such elective office must complete 4 hours of ethics
88 training each calendar year which addresses, at a minimum, s. 8,
89 Art. II of the State Constitution, the Code of Ethics for Public
90 Officers and Employees, and the public records and public
91 meetings laws of this state. This requirement may be satisfied
92 by completion of a continuing legal education class or other
93 continuing professional education class, seminar, or
94 presentation, if the required subject matter is covered by such
95 class, seminar, or presentation.

96 (e) The commission shall adopt rules establishing minimum
97 course content for the portion of an ethics training class which



98 addresses s. 8, Art. II of the State Constitution and the Code
99 of Ethics for Public Officers and Employees.

100 (f) ~~(e)~~ The Legislature intends that a constitutional
101 officer, an ~~an~~ elected municipal officer, or an elected local
102 officer of an independent special district who is required to
103 complete ethics training pursuant to this section receive the
104 required training as close as possible to the date that he or
105 she assumes office. A constitutional officer, an ~~an~~ elected
106 municipal officer, or an elected local officer of an independent
107 special district assuming a new office or new term of office on
108 or before March 31 must complete the annual training on or
109 before December 31 of the year in which the term of office
110 began. A constitutional officer, an ~~an~~ elected municipal officer,
111 or elected local officer of an independent special district
112 assuming a new office or new term of office after March 31 is
113 not required to complete ethics training for the calendar year
114 in which the term of office began.

115 (3) Each house of the Legislature shall provide for ethics
116 training pursuant to its rules.

117
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 2 - 7

121 and insert:

122 An act relating to ethics for public officers and
123 employees; amending s. 112.313, F.S.; revising an
124 exception authorizing certain public officers and
125 employees to be employed by, or to enter into
126 contractual relationships with, specified agencies;



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127 revising which actions by such officers or employees
128 are deemed a conflict of interest; amending s.
129 112.3142, F.S.; requiring certain ethics training for
130 elected local officers of independent special
131 districts beginning on a specified date; specifying
132 requirements for such training; conforming provisions
133 to changes made by the act;