

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to conflicting employment or
3 contractual relationships for public officers or
4 employees; amending s. 112.313, F.S.; deleting an
5 exception authorizing certain public officers or
6 employees to be employed by, or to enter into a
7 contractual relationship with, specified agencies;
8 providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (7) of section
13 112.313, Florida Statutes, is amended to read:

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

16 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

17 (a)1. No public officer or employee of an agency shall have
18 or hold any employment or contractual relationship with any
19 business entity or any agency which is subject to the regulation
20 of, or is doing business with, an agency of which he or she is
21 an officer or employee, excluding those organizations and their
22 officers who, when acting in their official capacity, enter into
23 or negotiate a collective bargaining contract with the state or
24 any municipality, county, or other political subdivision of the
25 state; nor shall an officer or employee of an agency have or
26 hold any employment or contractual relationship that will create
27 a continuing or frequently recurring conflict between his or her
28 private interests and the performance of his or her public
29 duties or that would impede the full and faithful discharge of

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30 his or her public duties.

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

44 2. When the agency referred to is a legislative body and
45 the regulatory power over the business entity resides in another
46 agency, or when the regulatory power which the legislative body
47 exercises over the business entity or agency is strictly through
48 the enactment of laws or ordinances, then employment or a
49 contractual relationship with such business entity by a public
50 officer or employee of a legislative body shall not be
51 prohibited by this subsection or be deemed a conflict.

52 Section 2. This act shall take effect July 1, 2023.