

By the Committee on Ethics and Elections; and Senators DiCeglie and Yarborough

582-02585-23

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1 A bill to be entitled

2 An act relating to ethics requirements for officers
3 and employees of special tax districts; amending s.
4 112.313, F.S.; specifying that certain conduct by
5 certain public officers and employees is deemed a
6 conflict of interest; amending s. 112.3142, F.S.;
7 requiring certain ethics training for elected local
8 officers of independent special districts beginning on
9 a specified date; specifying requirements for such
10 training; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (7) of section 112.313, Florida
15 Statutes, is amended to read:

16 112.313 Standards of conduct for public officers, employees
17 of agencies, and local government attorneys.—

18 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

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30 private interests and the performance of his or her public
31 duties or that would impede the full and faithful discharge of
32 his or her public duties.

33 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 pursuant
38 to chapter 298, then employment with, or entering into a
39 contractual relationship with, such business entity by a public
40 officer or employee of such agency is ~~shall~~ not be prohibited by
41 this subsection or be deemed a conflict per se. However, conduct
42 by such officer or employee that is prohibited by, or otherwise
43 frustrates the intent of, this section, including conduct that
44 violates subsection (6) or subsection (8), is ~~shall be~~ deemed a
45 conflict of interest in violation of the standards of conduct
46 set forth by this section.

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

55 (b) This subsection shall not prohibit a public officer or
56 employee from practicing in a particular profession or
57 occupation when such practice by persons holding such public
58 office or employment is required or permitted by law or

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59 ordinance.

60 Section 2. Section 112.3142, Florida Statutes, is amended
61 to read:

62 112.3142 Ethics training for specified constitutional
63 officers, elected municipal officers, ~~and~~ commissioners of
64 community redevelopment agencies, and elected local officers of
65 independent special districts.—

66 (1) As used in this section, the term “constitutional
67 officers” includes the Governor, the Lieutenant Governor, the
68 Attorney General, the Chief Financial Officer, the Commissioner
69 of Agriculture, state attorneys, public defenders, sheriffs, tax
70 collectors, property appraisers, supervisors of elections,
71 clerks of the circuit court, county commissioners, district
72 school board members, and superintendents of schools.

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

81 (b) All elected municipal officers must complete 4 hours of
82 ethics training each calendar year which addresses, at a
83 minimum, s. 8, Art. II of the State Constitution, the Code of
84 Ethics for Public Officers and Employees, and the public records
85 and public meetings laws of this state. This requirement may be
86 satisfied by completion of a continuing legal education class or
87 other continuing professional education class, seminar, or

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88 presentation if the required subjects are covered.

89 (c) Beginning January 1, 2020, each commissioner of a
90 community redevelopment agency created under part III of chapter
91 163 must complete 4 hours of ethics training each calendar year
92 which addresses, at a minimum, s. 8, Art. II of the State
93 Constitution, the Code of Ethics for Public Officers and
94 Employees, and the public records and public meetings laws of
95 this state. This requirement may be satisfied by completion of a
96 continuing legal education class or other continuing
97 professional education class, seminar, or presentation, if the
98 required subject material is covered by the class.

99 (d) Beginning January 1, 2024, each elected local officer
100 of an independent special district as defined in s. 189.012 and
101 each person who is appointed to fill a vacancy for an unexpired
102 term of such elective office must complete 4 hours of ethics
103 training each calendar year which addresses, at a minimum, s. 8,
104 Art. II of the State Constitution, the Code of Ethics for Public
105 Officers and Employees, and the public records and public
106 meeting laws of this state. This requirement may be satisfied by
107 completion of a continuing legal education class or another
108 continuing professional education class, seminar, or
109 presentation, if the required subject matter is covered by such
110 class, seminar, or presentation.

111 (e) The commission shall adopt rules establishing minimum
112 course content for the portion of an ethics training class which
113 addresses s. 8, Art. II of the State Constitution and the Code
114 of Ethics for Public Officers and Employees.

115 (f) ~~(e)~~ The Legislature intends that a constitutional
116 officer, an ~~or~~ elected municipal officer, or an elected local

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117 officer of an independent special district who is required to
118 complete ethics training pursuant to this section receive the
119 required training as close as possible to the date that he or
120 she assumes office. A constitutional officer, an ~~or~~ elected
121 municipal officer, or an elected local officer of an independent
122 special district assuming a new office or new term of office on
123 or before March 31 must complete the annual training on or
124 before December 31 of the year in which the term of office
125 began. A constitutional officer, an ~~or~~ elected municipal
126 officer, or an elected local officer of an independent special
127 district assuming a new office or new term of office after March
128 31 is not required to complete ethics training for the calendar
129 year in which the term of office began.

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

132 Section 3. This act shall take effect on July 1, 2023.