

1 A bill to be entitled
 2 An act relating to public officers and employees;
 3 amending s. 112.313, F.S.; removing an exception from
 4 prohibited employment or a prohibited contractual
 5 relationship for an officer or employee of certain
 6 special tax districts or an agency organized pursuant
 7 to ch. 298, F.S.; making technical changes; providing
 8 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. 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~~ have or hold any employment or contractual relationship
 19 with any business entity or any agency ~~which is~~ subject to the
 20 regulation of, or ~~is~~ doing business with, an agency of which he
 21 or she is an officer or employee, excluding those organizations
 22 and their officers who, when acting in their official capacity,
 23 enter into or negotiate a collective bargaining contract with
 24 the state or any municipality, county, or other political
 25 subdivision of the state; nor may ~~shall~~ an officer or employee
 26 of an agency have or hold any employment or contractual

27 relationship that will create a continuing or frequently
 28 recurring conflict between his or her private interests and the
 29 performance of his or her public duties or that would impede the
 30 full and faithful discharge of 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. However, if ~~When the agency referred to is a~~
 45 legislative body and the regulatory power over the business
 46 entity resides in another agency, or when the regulatory power
 47 that ~~which~~ the legislative body exercises over the business
 48 entity or agency is strictly through the enactment of laws or
 49 ordinances, ~~then~~ employment or a contractual relationship with
 50 such business entity by a public officer or employee of a
 51 legislative body is ~~shall~~ not be prohibited by this subsection
 52 or be deemed a conflict.

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53 (b) This subsection does ~~shall~~ not prohibit a public
54 officer or employee from practicing in a particular profession
55 or occupation if ~~when~~ such practice ~~by persons holding such~~
56 ~~public office or employment~~ is required or authorized ~~permitted~~
57 by law or ordinance.

58 Section 2. This act shall take effect July 1, 2014.