21-829-02   See HB 65

1   A bill to be entitled

2   An act relating to restriction on employment of

3   relatives by public officials; amending s.

4   112.3135, F.S.; deleting exemptions from the

5   prohibition against appointment, employment,

6   promotion, or advancement of relatives by

7   public officials to apply such prohibition to

8   public officials of universities, community

9   college districts, and district school boards,

10   for which there are penalties for violation;

11   deleting the definition of "collegial body";

12   deleting provisions that prohibit the

13   appointment, employment, promotion, or

14   advancement of an individual by a collegial

15   body of which a relative of the individual is a

16   member; amending s. 721.05, F.S.; correcting a

17   cross reference, to conform; providing an

18   effective date.

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

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22   Section 1. Section 112.3135, Florida Statutes, is

23   amended to read:

24   112.3135 Restriction on employment of relatives.--

25   (1) In this section, unless the context otherwise

26   requires:

27   (a) "Agency" means:

28   1. A state agency, except an institution under the

29   jurisdiction of the Division of Universities of the Department

30   of Education;

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1   2. An office, agency, or other establishment in the
2   legislative branch;
3   3. An office, agency, or other establishment in the
4   judicial branch;
5   4. A county;
6   5. A city; and
7   6. Any other political subdivision of the state,
8   except a district school board or community college district.
9   (b) "Collegial body" means a governmental entity
10   marked by power or authority vested equally in each of a
11   number of colleagues.
12   (b)(c) "Public official" means an officer, including a
13   member of the Legislature, the Governor, and a member of the
14   Cabinet, or an employee of an agency in whom is vested the
15   authority by law, rule, or regulation, or to whom the
16   authority has been delegated, to appoint, employ, promote, or
17   advance individuals or to recommend individuals for
18   appointment, employment, promotion, or advancement in
19   connection with employment in an agency, including the
20   authority as a member of a collegial body to vote on the
21   appointment, employment, promotion, or advancement of
22   individuals.
23   (c)(d) "Relative," for purposes of this section only,
24   with respect to a public official, means an individual who is
25   related to the public official as father, mother, son,
26   daughter, brother, sister, uncle, aunt, first cousin, nephew,
27   niece, husband, wife, father-in-law, mother-in-law,
28   son-in-law, daughter-in-law, brother-in-law, sister-in-law,
29   stepfather, stepmother, stepson, stepdaughter, stepbrother,
30   stepsister, half brother, or half sister.
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 1   (2)(a) A public official may not appoint, employ,
 2   promote, or advance, or advocate for appointment, employment,
 3   promotion, or advancement, in or to a position in the agency
 4   in which the official is serving or over which the official
 5   exercises jurisdiction or control any individual who is a
 6   relative of the public official. An individual may not be
 7   appointed, employed, promoted, or advanced in or to a position
 8   in an agency if such appointment, employment, promotion, or
 9   advancement has been advocated by a public official, serving
10   in or exercising jurisdiction or control over the agency, who
11   is a relative of the individual or if such appointment,
12   employment, promotion, or advancement is made by a collegial
13   body of which a relative of the individual is a member.
14   (b) However,This subsection does shall not apply to:
15   1. Appointments to boards other than those with
16   land-planning or zoning responsibilities in those
17   municipalities with less than 35,000 population.
18   2. This subsection does not apply to Persons serving
19   in a volunteer capacity who provide emergency medical,
20   firefighting, or police services. Such persons may receive,
21   without losing their volunteer status, reimbursements for the
22   costs of any training they get relating to the provision of
23   volunteer emergency medical, firefighting, or police services
24   and payment for any incidental expenses relating to those
25   services that they provide.
26   (c)(b) Mere approval of budgets shall not be
27   sufficient to constitute "jurisdiction or control" for the
28   purposes of this section.
29   (3) An agency may prescribe regulations authorizing
30   the temporary employment, in the event of an emergency as
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CODING: Words stricken are deletions; words underlined are additions.

1 defined in s. 252.34(3), of individuals whose employment would

2 be otherwise prohibited by this section.

3   (4) Legislators' relatives may be employed as pages or

4 messengers during legislative sessions.

5   Section 2. Paragraph (a) of subsection (18) of section

6 721.05, Florida Statutes, is amended to read:

7   721.05 Definitions.--As used in this chapter, the

8 term:

9   (18) "Independent," for purposes of determining

10 eligibility of escrow agents and trustees pursuant to s.

11 721.03(7), means that:

12   (a) The escrow agent or trustee is not a relative, as

13 described in s. 112.3135(1)(c)~~(d)~~, or an employee of the

14 developer, seller, or managing entity, or of any officer,

15 director, affiliate, or subsidiary thereof.

16   Section 3. This act shall take effect July 1, 2002.

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19   HOUSE SUMMARY

20 Deletes exemptions from the prohibition against
    appointment, employment, promotion, or advancement of
21 relatives by public officials to apply such prohibition
    to public officials of universities, community college
22 districts, and district school boards. Deletes
    provisions that prohibit the appointment, employment,
23 promotion, or advancement of an individual by a collegial
    body of which a relative of the individual is a member.

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