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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/2R

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05/03/2017 11:28 AM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Between lines 51 and 52

insert:

Section 2. Paragraph (a) of subsection (7) of section 112.313, Florida Statutes, is amended to read:

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any



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12 business entity or any agency which is subject to the regulation
13 of, or is doing business with, an agency of which he or she is
14 an officer or employee, excluding those organizations and their
15 officers who, when acting in their official capacity, enter into
16 or negotiate a collective bargaining contract with the state or
17 any municipality, county, or other political subdivision of the
18 state; nor shall an officer or employee of an agency have or
19 hold any employment or contractual relationship that will create
20 a continuing or frequently recurring conflict between his or her
21 private interests and the performance of his or her public
22 duties or that would impede the full and faithful discharge of
23 his or her public duties. If an officer of an agency, other than
24 those referred to in subsection (1) or subsection (2), is an
25 attorney and another member of the officer's law firm appears
26 before an agency of which the officer is a member, the officer
27 must recuse himself or herself from any and all votes pertaining
28 to any matter or client whom the law firm is representing before
29 the agency. The officer must announce a conflict; recuse himself
30 from the vote; not take part in any discussions, questions, or
31 debate on the matter; and not discuss the matter with any other
32 officer or employee of the agency or of the officer's law firm.

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 shall not be prohibited by



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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 shall be deemed a
44 conflict of interest in violation of the standards of conduct
45 set forth by this section.

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

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Between lines 6 and 7

60 insert:

61 112.313, F.S.; requiring an officer of an agency to
62 recuse himself or herself from certain votes under
63 certain circumstances; specifying requirements for the
64 recusal; providing an exception; amending s.