



744562

LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/R/3R	.	Floor: SENA2/RC
05/05/2017 07:47 PM	.	05/05/2017 06:16 PM
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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. It shall not be a violation of this  
24 section if a public officer is an attorney and another member of  
25 the officer's law firm appears in front of an agency of which  
26 the officer is a member. If an officer of an agency, other than  
27 an agency referred to in subparagraph 1. or subparagraph 2., is  
28 an attorney and another member of the officer's law firm appears  
29 before an agency of which the officer is a member, the officer  
30 must recuse himself or herself from any and all votes pertaining  
31 to any matter or client whom the law firm is representing before  
32 the agency. The officer must announce a conflict; recuse himself  
33 from the vote; not take part in any discussions, questions, or  
34 debate on the matter; and not discuss the matter with any other  
35 officer or employee of the agency or of the officer's law firm.

36 1. When the agency referred to is that certain kind of  
37 special tax district created by general or special law and is  
38 limited specifically to constructing, maintaining, managing, and  
39 financing improvements in the land area over which the agency  
40 has jurisdiction, or when the agency has been organized pursuant



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41 to chapter 298, then employment with, or entering into a  
42 contractual relationship with, such business entity by a public  
43 officer or employee of such agency shall not be prohibited by  
44 this subsection or be deemed a conflict per se. However, conduct  
45 by such officer or employee that is prohibited by, or otherwise  
46 frustrates the intent of, this section shall be deemed a  
47 conflict of interest in violation of the standards of conduct  
48 set forth by this section.

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

59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Between lines 6 and 7

62 insert:

63 112.313, F.S.; allowing the associates of the officer  
64 to appear before the agency of which an officer is a  
65 member; requiring an officer of an agency to recuse  
66 himself or herself from certain votes under certain  
67 circumstances; specifying requirements for the  
68 recusal; providing an exception; amending s.