

By Senator Clemens

27-00510-13

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1 A bill to be entitled
2 An act relating to ethics; amending s. 112.3143, F.S.;
3 defining the term "special private gain or loss";
4 providing an exception to provisions relating to
5 voting conflicts, to conform to changes made by the
6 act; creating s. 112.31435, F.S.; providing
7 definitions; prohibiting a member of the Legislature
8 from voting upon or participating in any legislation
9 inuring to the personal gain or loss of the member or
10 his or her relative; prohibiting a member of the
11 Legislature from participating in any legislation
12 inuring to the personal gain or loss of a business
13 associate, employer, board on which the member sits,
14 principal by whom the member is retained, or parent
15 corporation or subsidiary of such principal; requiring
16 that a member disclose all such interests to the
17 applicable legislative body or committee before the
18 legislation is considered; requiring that the member
19 disclose the specific nature of any such interests
20 within a specified period after the date on which a
21 vote on the legislation occurs; requiring that such
22 disclosure be made by written memorandum and filed
23 with the Secretary of the Senate or the Clerk of the
24 House of Representatives; requiring that the
25 memorandum be recorded in the journal of the house of
26 which the legislator is a member; requiring that
27 members of the Legislature vote on the General
28 Appropriations Act and disclose conflicts of interest
29 with any line-item appropriation; providing an

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30 effective date.

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

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34 Section 1. Subsections (1) and (2) of section 112.3143,
35 Florida Statutes, are amended to read:

36 112.3143 Voting conflicts.—

37 (1) As used in this section:

38 (a) "Public officer" includes any person elected or
39 appointed to hold office in any agency, including any person
40 serving on an advisory body.

41 (b) "Relative" means any father, mother, son, daughter,
42 husband, wife, brother, sister, father-in-law, mother-in-law,
43 son-in-law, or daughter-in-law.

44 (c) "Special private gain or loss" means a gain or loss
45 that inures only to the benefit or detriment of a public officer
46 or his or her relative, principal, or corporate parent or
47 subsidiary of a corporate principal, or a gain or loss that
48 inures to the benefit or detriment of an enumerated beneficiary
49 differently than the rest of those affected by the matter.

50 (2) Except as provided in s. 112.31435, no state public
51 officer is prohibited from voting in an official capacity on any
52 matter. However, any state public officer voting in an official
53 capacity upon any measure that ~~which~~ would inure to the
54 officer's special private gain or loss; that ~~which~~ he or she
55 knows would inure to the special private gain or loss of any
56 principal by whom the officer is retained or to the parent
57 organization or subsidiary of a corporate principal by which the
58 officer is retained; or that ~~which~~ the officer knows would inure

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59 to the special private gain or loss of a relative or business
60 associate of the public officer shall, within 15 days after the
61 vote occurs, disclose the nature of his or her interest as a
62 public record in a memorandum filed with the person responsible
63 for recording the minutes of the meeting, who shall incorporate
64 the memorandum in the minutes.

65 Section 2. Section 112.31435, Florida Statutes, is created
66 to read:

67 112.31435 Voting conflicts; state legislators.-

68 (1) As used in this section, the term:

69 (a) "Participate" means to attempt, other than by casting a
70 vote, to influence the passage, defeat, or amendment of
71 legislation by oral or written communication made by a
72 legislator or at the legislator's direction.

73 (b) "Relative" means any father, mother, son, daughter,
74 husband, wife, brother, sister, father-in-law, mother-in-law,
75 son-in-law, or daughter-in-law.

76 (c) "Special private gain or loss" means a gain or loss
77 that inures only to the benefit or detriment of a public officer
78 or his or her relative, principal, or corporate parent or
79 subsidiary of a corporate principal, or a gain or loss that
80 inures to the benefit or detriment of an enumerated beneficiary
81 differently than the rest of those affected by the matter.

82 (2) A member of the Legislature may not vote upon or
83 participate in any legislation that would inure to his or her
84 special private gain or loss or that he or she knows would inure
85 to the special private gain or loss of his or her relative. The
86 member must, before any consideration of the legislation by the
87 legislative body of which he or she is a member or any committee

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88 on which he or she sits, publicly state to the body or committee
89 all of his or her interests in the legislation or all of the
90 relative's interests in the legislation which are known to the
91 member and, within 15 days after the date on which a vote on the
92 legislation occurs, disclose the specific nature of those
93 interests as a public record in a memorandum filed with the
94 Secretary of the Senate, if the member is a Senator, or filed
95 with the Clerk of the House of Representatives, if the member is
96 a Representative. The memorandum shall be spread upon the pages
97 of the journal of the house of which the legislator is a member.

98 (3) A member of the Legislature may not participate in any
99 legislation that he or she knows would inure to the special
100 private gain or loss of a principal by whom he or she is
101 retained, the parent organization or subsidiary of a corporate
102 principal by which he or she is retained, a business associate,
103 an employer, or a board on which the member sits. The member
104 must, before any consideration of the legislation by the
105 legislative body of which he or she is a member or any committee
106 on which he or she sits, publicly state to the body or committee
107 all of the interests in the legislation of the principals,
108 parent organizations or subsidiaries of a corporate principal,
109 business associates, employers, or boards which are known to the
110 member and, within 15 days after the date on which a vote on the
111 legislation occurs, disclose the specific nature of those
112 interests as a public record in a memorandum filed with the
113 Secretary of the Senate, if the member is a Senator, or filed
114 with the Clerk of the House of Representatives, if the member is
115 a Representative. The memorandum shall be spread upon the pages
116 of the journal of the house of which the legislator is a member.

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117 (4) A member of the Legislature must vote on the General
118 Appropriations Act and must disclose any conflict of interest
119 that the legislator may have with a line-item appropriation in
120 the act.

121 Section 3. This act shall take effect October 1, 2013.