



958928

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2015	.	
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The Committee on Rules (Gaetz) recommended the following:

1 **Senate Substitute for Amendment (897662) (with title**
2 **amendment)**

3
4 Between lines 382 and 383
5 insert:

6 Section 5. Subsection (7) of section 112.313, Florida
7 Statutes, is amended to read:

8 112.313 Standards of conduct for public officers, employees
9 of agencies, and local government attorneys.—

10 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

11 (a) No public officer or employee of an agency shall have



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12 or hold any employment or contractual relationship with any
13 business entity or any agency which is subject to the regulation
14 of, or is doing business with, an agency of which he or she is
15 an officer or employee, excluding those organizations and their
16 officers who, when acting in their official capacity, enter into
17 or negotiate a collective bargaining contract with the state or
18 any municipality, county, or other political subdivision of the
19 state; nor shall an officer or employee of an agency have or
20 hold any employment or contractual relationship that will create
21 a continuing or frequently recurring conflict between his or her
22 private interests and the performance of his or her public
23 duties or that would impede the full and faithful discharge of
24 his or her public duties. For purposes of this subsection, if a
25 public officer or employee of an agency holds a controlling
26 interest in a business entity or is an officer, director, or a
27 member who manages such an entity, contractual relationships
28 held by the business entity are deemed to be held by the public
29 officer or employee.

30 1. When the agency referred to is that certain kind of
31 special tax district created by general or special law and is
32 limited specifically to constructing, maintaining, managing, and
33 financing improvements in the land area over which the agency
34 has jurisdiction, or when the agency has been organized pursuant
35 to chapter 298, then employment with, or entering into a
36 contractual relationship with, such business entity by a public
37 officer or employee of such agency shall not be prohibited by
38 this subsection or be deemed a conflict per se. However, conduct
39 by such officer or employee that is prohibited by, or otherwise
40 frustrates the intent of, this section shall be deemed a



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41 conflict of interest in violation of the standards of conduct
42 set forth by this section.

43 2. When the agency referred to is a legislative body and
44 the regulatory power over the business entity resides in another
45 agency, or when the regulatory power which the legislative body
46 exercises over the business entity or agency is strictly through
47 the enactment of laws or ordinances, then employment or a
48 contractual relationship with such business entity by a public
49 officer or employee of a legislative body shall not be
50 prohibited by this subsection or be deemed a conflict.

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

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 Delete line 26

60 and insert:

61 controls; amending s. 112.313, F.S.; specifying that
62 prohibitions on conflicting employment or contractual
63 relationships for public officers or employees of an
64 agency apply to contractual relationships held by
65 certain business entities; amending s. 112.31455,
66 F.S.; correcting a