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CS/HB 199

2023 Legislature

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An act relating to ethics requirements for officers and employees of special tax districts; amending s. 112.313, F.S.; specifying that certain conduct by certain public officers and employees is deemed a conflict of interest; making technical changes; amending s. 112.3142, F.S.; requiring certain ethics training for elected local officers of independent special districts beginning on a specified date; specifying requirements for such training; providing an effective date.

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

Section 1. 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 business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into

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26 | or negotiate a collective bargaining contract with the state or  
 27 | any municipality, county, or other political subdivision of the  
 28 | state; nor shall an officer or employee of an agency have or  
 29 | hold any employment or contractual relationship that will create  
 30 | a continuing or frequently recurring conflict between his or her  
 31 | private interests and the performance of his or her public  
 32 | duties or that would impede the full and faithful discharge of  
 33 | his or her public duties.

34 |       1. When the agency referred to is that certain kind of  
 35 | special tax district created by general or special law and is  
 36 | limited specifically to constructing, maintaining, managing, and  
 37 | financing improvements in the land area over which the agency  
 38 | has jurisdiction, or when the agency has been organized pursuant  
 39 | to chapter 298, then employment with, or entering into a  
 40 | contractual relationship with, such business entity by a public  
 41 | officer or employee of such agency is ~~shall~~ not ~~be~~ prohibited by  
 42 | this subsection or be deemed a conflict per se. However, conduct  
 43 | by such officer or employee that is prohibited by, or otherwise  
 44 | frustrates the intent of, this section, including conduct that  
 45 | violates subsections (6) and (8), is ~~shall be~~ deemed a conflict  
 46 | of interest in violation of the standards of conduct set forth  
 47 | by this section.

48 |       2. When the agency referred to is a legislative body and  
 49 | the regulatory power over the business entity resides in another  
 50 | agency, or when the regulatory power which the legislative body

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51 | exercises over the business entity or agency is strictly through  
52 | the enactment of laws or ordinances, then employment or a  
53 | contractual relationship with such business entity by a public  
54 | officer or employee of a legislative body shall not be  
55 | prohibited by this subsection or be deemed a conflict.

56 | (b) This subsection shall not prohibit a public officer or  
57 | employee from practicing in a particular profession or  
58 | occupation when such practice by persons holding such public  
59 | office or employment is required or permitted by law or  
60 | ordinance.

61 | Section 2. Paragraphs (d) and (e) of subsection (2) of  
62 | section 112.3142, Florida Statutes, are redesignated as  
63 | paragraphs (e) and (f), respectively, present paragraph (e) of  
64 | that subsection is amended, and a new paragraph (d) is added to  
65 | that subsection, to read:

66 | 112.3142 Ethics training for specified constitutional  
67 | officers, elected municipal officers, ~~and~~ commissioners of  
68 | community redevelopment agencies, and elected local officers of  
69 | independent special districts.-

70 | (2)

71 | (d) Beginning January 1, 2024, each elected local officer  
72 | of an independent special district, as defined in s. 189.012,  
73 | and each person who is appointed to fill a vacancy for an  
74 | unexpired term of such elective office must complete 4 hours of  
75 | ethics training each calendar year which addresses, at a

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76 | minimum, s. 8, Art. II of the State Constitution, the Code of  
 77 | Ethics for Public Officers and Employees, and the public records  
 78 | and public meetings laws of this state. This requirement may be  
 79 | satisfied by completion of a continuing legal education class or  
 80 | other continuing professional education class, seminar, or  
 81 | presentation, if the required subject matter is covered by such  
 82 | class, seminar, or presentation.

83 |        ~~(f)~~~~(e)~~ The Legislature intends that a constitutional  
 84 | officer, ~~or~~ elected municipal officer, or elected local officer  
 85 | of an independent special district who is required to complete  
 86 | ethics training pursuant to this section receive the required  
 87 | training as close as possible to the date that he or she assumes  
 88 | office. A constitutional officer, ~~or~~ elected municipal officer,  
 89 | or elected local officer of an independent special district  
 90 | assuming a new office or new term of office on or before March  
 91 | 31 must complete the annual training on or before December 31 of  
 92 | the year in which the term of office began. A constitutional  
 93 | officer, ~~or~~ elected municipal officer, or elected local officer  
 94 | of an independent special district assuming a new office or new  
 95 | term of office after March 31 is not required to complete ethics  
 96 | training for the calendar year in which the term of office  
 97 | began.

98 |        Section 3. This act shall take effect July 1, 2023.