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MEMORANDUM

TO: Governor's Agency Heads

FROM: Kim McDougal, Governor's Chief of Staff

DATE: March 27, 2017

As the *Tampa Bay Times* reported on March 21, 2017, a legislator works for a law firm that received state funding for legal services through Enterprise Florida. As a result, I am requesting your agency conduct a thorough review of all legal contracts. Your General Counsel should certify that your agency is in compliance with s.112.313(7)(a), F.S and s.112.3143(2)(a), F.S. Specifically, it is important to know that the spirit and letter of the law are being followed regarding legislators or state employees' contractual relationship with our state agencies. This includes whether your agency has a current contract with a law firm that employs any current Florida legislator. Please submit your certification to my office no later than noon (12PM) on Monday, April 3rd.

Section 112.313(7)(a), F.S. states that, "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..." and that "nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties."

Additionally, s.112.3143(2)(a), F.S. states that, "A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2) F.S.; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record..."

The employment of a legislator by a law firm that conducts business with the state could easily be perceived as a conflict of interest. Additionally, a state employee (an individual paid by the state of Florida) should not, under any circumstance, have any undisclosed employment or contractual relationships that could impede the faithful duties of their employment assignment.

Governor Scott continues to hope that there will be changes made to prohibit legislators from working for law firms that receive state funding for legal services. However, in the absence of such important ethics reform from the legislature, we are exploring other possible executive actions that the Governor could take. Your certification of any existing contracts will be an important first step. We are also continuing to examine our options for prohibiting such contracts in the future.

Thank you in advance for your timely response. Your assistance is extremely important.