

112.3135. Restriction on employment of relatives

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West's F.S.A. § 112.3135

112.3135. Restriction on employment of relatives

Effective: July 1, 2011

[Currentness](#)

(1) In this section, unless the context otherwise requires:

(a) “Agency” means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.

(b) “Collegial body” means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c) “Public official” means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(d) “Relative,” for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

(b) Mere approval of budgets shall not be sufficient to constitute “jurisdiction or control” for the purposes of this section.

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in [s. 252.34](#), of individuals whose employment would be otherwise prohibited by this section.

(4) Legislators’ relatives may be employed as pages or messengers during legislative sessions.

Credits

Added by Laws 1969, c. 69-106, §§ 15, 35; Laws 1969, c. 69-341, §§ 1 to 3; Laws 1972, c. 72-221, § 70; Laws 1983, c. 83-334, § 3; [Fla.St.1987, § 116.111](#); [Laws 1989, c. 89-67, § 1](#); [Laws 1990, c. 90-502, § 4](#), Amended by [Laws 1994, c. 94-277, § 2, eff. Jan. 1, 1995](#); [Laws 1995, c. 95-147, § 1407, eff. July 10, 1995](#); [Laws 1998, c. 98-160, § 1, eff. May 22, 1998](#); [Laws 1999, c. 99-2, § 42, eff. June 29, 1999](#); [Laws 2007, c. 2007-217, § 11, eff. July 1, 2007](#); [Laws 2011, c. 2011-142, § 47, eff. July 1, 2011](#).

[Notes of Decisions \(70\)](#)

West's F. S. A. § 112.3135, FL ST § 112.3135

Current with laws, joint and concurrent resolutions and memorials through May 6, 2024, in effect from the 2024 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

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