

Senate Bill No. 1684

An act relating to additional employment by state correctional employees; amending s. 944.38, F.S.; providing that an officer or employee of the Department of Corrections is not prohibited from accepting other employment or secondary employment under certain conditions; providing an effective date.

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

Section 1. Section 944.38, Florida Statutes, is amended to read:

944.38 Acceptance of remuneration from contractor; dealing or barter with prisoners; interest in contract; penalty.—

(1)(a) ~~An~~ ~~No~~ officer or employee of the department ~~may not shall~~ receive any compensation whatsoever, directly or indirectly, for any act or service ~~that which~~ she or he may do or perform for or on behalf of any officer or employee or agent, or employee of a contractor. ~~An; nor shall any officer or employee of the department or the state may not have an interest be interested,~~ directly or indirectly, in any contract or purchase made, or authorized to be made, by anyone for or on behalf of the department.

(b) This subsection does not prevent an officer or employee of the department from accepting other employment or following any pursuit that does not interfere with the full and faithful discharge by the officer or employee of his or her duties to the department. This subsection does not prevent an officer or employee of the department from accepting secondary employment with an entity contracting with the department if the officer or employee does not have responsibilities or involvement with the department's award or management of the contract or with the process of making referrals to or evaluating the contracting entity.

(2) ~~An~~ ~~No~~ officer or employee of the department or of the state, or any contractor, or employee of a contractor, ~~may not shall~~, without permission of the department, make any gift or present to a prisoner, ~~or receive a gift or present the same~~ from any prisoner, or have any barter or dealings with any prisoner.

(3) For any violation of the provisions of this section the officer or employee of the state shall be discharged from her or his office or service; and every contractor, or employee, or agent of a contractor engaged therein, and a party thereto, shall be expelled from the institutional grounds, and not again permitted within the same as a contractor, agent, or employee.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 12, 2004.

Filed in Office Secretary of State May 12, 2004.