

1 A bill to be entitled
 2 An act relating to state officer post-service lobbying
 3 restrictions; amending s. 112.313, F.S.; prohibiting
 4 legislators and statewide elected officers from
 5 personally representing another person or entity for
 6 compensation before any state government body or state
 7 agency except judicial tribunals for a specified time
 8 period following vacation of office; deleting a
 9 prohibition on a former legislator from acting as a
 10 lobbyist before an executive branch agency, agency
 11 official, or employee for a specified period following
 12 vacation of office; providing applicability; providing
 13 an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (9) of section 112.313, Florida
 18 Statutes, is amended to read:

19 112.313 Standards of conduct for public officers,
 20 employees of agencies, and local government attorneys.—

21 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 22 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

23 (a)1. It is the intent of the Legislature to implement by
 24 statute the provisions of s. 8(e), Art. II of the State
 25 Constitution relating to legislators, statewide elected

26 | officers, appointed state officers, and designated public
27 | employees.

28 | 2. As used in this paragraph:

29 | a. "Employee" means:

30 | (I) Any person employed in the executive or legislative
31 | branch of government holding a position in the Senior Management
32 | Service as defined in s. 110.402 or any person holding a
33 | position in the Selected Exempt Service as defined in s. 110.602
34 | or any person having authority over policy or procurement
35 | employed by the Department of the Lottery.

36 | (II) The Auditor General, the director of the Office of
37 | Program Policy Analysis and Government Accountability, the
38 | Sergeant at Arms and Secretary of the Senate, and the Sergeant
39 | at Arms and Clerk of the House of Representatives.

40 | (III) The executive director and deputy executive director
41 | of the Commission on Ethics.

42 | (IV) An executive director, staff director, or deputy
43 | staff director of each joint committee, standing committee, or
44 | select committee of the Legislature; an executive director,
45 | staff director, executive assistant, analyst, or attorney of the
46 | Office of the President of the Senate, the Office of the Speaker
47 | of the House of Representatives, the Senate Majority Party
48 | Office, Senate Minority Party Office, House Majority Party
49 | Office, or House Minority Party Office; or any person, hired on
50 | a contractual basis, having the power normally conferred upon

51 such persons, by whatever title.

52 (V) The Chancellor and Vice Chancellors of the State
53 University System; the general counsel to the Board of Governors
54 of the State University System; and the president, provost, vice
55 presidents, and deans of each state university.

56 (VI) Any person, including an other-personal-services
57 employee, having the power normally conferred upon the positions
58 referenced in this sub-subparagraph.

59 b. "Appointed state officer" means any member of an
60 appointive board, commission, committee, council, or authority
61 of the executive or legislative branch of state government whose
62 powers, jurisdiction, and authority are not solely advisory and
63 include the final determination or adjudication of any personal
64 or property rights, duties, or obligations, other than those
65 relative to its internal operations.

66 c. "State agency" means an entity of the legislative,
67 executive, or judicial branch of state government over which the
68 Legislature exercises plenary budgetary and statutory control.

69
70 3.a. A ~~No~~ member of the Legislature, ~~appointed state~~
71 ~~officer,~~ or statewide elected officer may not shall personally
72 represent another person or entity for compensation before any
73 state government body or state agency other than judicial
74 tribunals or in settlement negotiations after the filing of a
75 lawsuit ~~the government body or agency of which the individual~~

76 ~~was an officer or member~~ for a period of 6 ~~2~~ years following
77 vacation of office. A ~~No~~ member of the Legislature may not ~~shall~~
78 personally represent another person or entity for compensation
79 during his or her term of office before any state agency other
80 than judicial tribunals or in settlement negotiations after the
81 filing of a lawsuit.

82 b. An appointed state officer may not personally represent
83 another person or entity for compensation before the government
84 body or agency of which the individual was an officer or member
85 for a period of 2 years following vacation of office. ~~For a~~
86 ~~period of 2 years following vacation of office, a former member~~
87 ~~of the Legislature may not act as a lobbyist for compensation~~
88 ~~before an executive branch agency, agency official, or employee.~~
89 ~~The terms used in this sub-subparagraph have the same meanings~~
90 ~~as provided in s. 112.3215.~~

91 4. An agency employee, including an agency employee who
92 was employed on July 1, 2001, in a Career Service System
93 position that was transferred to the Selected Exempt Service
94 System under chapter 2001-43, Laws of Florida, may not
95 personally represent another person or entity for compensation
96 before the agency with which he or she was employed for a period
97 of 2 years following vacation of position, unless employed by
98 another agency of state government.

99 5. Any person violating this paragraph shall be subject to
100 the penalties provided in s. 112.317 and a civil penalty of an

101 amount equal to the compensation which the person receives for
102 the prohibited conduct.

103 6. This paragraph is not applicable to:

104 a. A person employed by the Legislature or other agency
105 prior to July 1, 1989;

106 b. A person who was employed by the Legislature or other
107 agency on July 1, 1989, whether or not the person was a defined
108 employee on July 1, 1989;

109 c. A person who was a defined employee of the State
110 University System or the Public Service Commission who held such
111 employment on December 31, 1994;

112 d. A person who has reached normal retirement age as
113 defined in s. 121.021(29), and who has retired under the
114 provisions of chapter 121 by July 1, 1991; or

115 e. Any appointed state officer whose term of office began
116 before January 1, 1995, unless reappointed to that office on or
117 after January 1, 1995.

118 (b) In addition to the provisions of this part which are
119 applicable to legislators and legislative employees by virtue of
120 their being public officers or employees, the conduct of members
121 of the Legislature and legislative employees shall be governed
122 by the ethical standards provided in the respective rules of the
123 Senate or House of Representatives which are not in conflict
124 herewith.

125 Section 2. The amendment made by this act to s. 112.313,

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126 | Florida Statutes, applies only to those individuals who were
127 | members of the Legislature at any time after November 8, 2016,
128 | or who were statewide elected officers at any time after
129 | November 8, 2016.

130 | Section 3. This act shall take effect July 1, 2018.