

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Feeney and Fasano offered the following:

Amendment (with title amendment)

On page 1, between lines 13 and 14 of the bill

insert:

Section 1. Subsections (2) and (3) of section 104.31, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and effective January 1, 2000, a new subsection (2) is added to said section, to read:

104.31 Political activities of state, county, and municipal officers and employees.--

(2) No public officer, employee of any agency, or local government attorney shall use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of promoting or opposing a candidate; an issue as defined in s. 106.011(7); or for testimonials, thank you promotions, or other forms of paid media advertising on behalf of a public official. For purposes of this subsection facilities of public office or agency include, but are not limited to, use of stationery,

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1 postage, machines and equipment, use of employees of the
2 office or agency during working hours, vehicles, office space,
3 publications of the office or agency, and clientele lists of
4 persons served by the office or agency. This subsection shall
5 not apply to the following activities:

6 (a) Action taken at an open public meeting by members
7 of an elected legislative body as defined in s. 447.203(10) to
8 express a collective decision, or to actually vote upon a
9 motion, proposal, resolution, order, or ordinance, or to
10 support or oppose an issue as defined in s. 106.011(7);

11 (b) Lobbying before a legislative body for the purpose
12 of advocating the official position of an agency or public
13 office on matters of public interest, to the extent otherwise
14 permitted by law, specific appropriation or agency policy.

15 (c) A statement by an elected official in support of
16 or in opposition to an issue as defined in s. 106.011(7) at an
17 open press conference or in response to a specific inquiry;

18 (d) The use of a publicly-owned or publicly-controlled
19 building or office for a campaign for public office, or for
20 the promotion of an issue or legislation where the
21 governmental entity has clearly adopted and made generally
22 known a policy establishing the property as a public forum
23 open to all on equal terms on a nondiscriminatory basis.

24 (e) An elected official's communication during the
25 normal course of business with his or her constituents in
26 which information about legislative or public issues is
27 provided.

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29 For purposes of this subsection, "communications" include, but
30 are not limited to, providing information via Internet World
31 Wide Web home pages, newsletters, and other periodic

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1 communications such as letters, surveys, questionnaires,
2 flyers, or postcards.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, line 2

8
9 after the semicolon insert:

10 amending s. 104.31, F.S.; prohibiting the use
11 of public facilities for promoting or opposing
12 a candidate or issue; providing exceptions;

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