

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9

10

Representative(s) Feeney offered the following:

12

13 **Substitute Amendment for Amendment (833921) (with title**
14 **amendment)**

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

16

17 insert:

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

22

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

24

(2) No public officer, employee of any public agency
or local government attorney shall use or authorize the use of
public facilities or public funds for the purpose of promoting
or opposing a candidate or an issue as defined in s.
106.011(7). For purposes of this subsection, public
facilities include but are not limited to postage, machines
and equipment, use of other public employees during working
hours, vehicles or office space. This subsection shall not

31

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

1 apply to the following activities:

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

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

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

14 (d) The use of a publicly owned or publicly controlled
15 building or office for a campaign for public office, or for
16 the promotion of an issue or legislation so long as the
17 property is open to all on equal terms on a nondiscriminatory
18 basis or as provided in a validly executed lease.

19 (e) An elected official's communication during the
20 normal course of business with his or her constituents in
21 which information about legislative or public issues is
22 provided.

23 (f) Payroll deductions for health insurance or other
24 benefit plans, taxes, charitable organizations, or membership
25 dues payable to a professional association, corporation, labor
26 organization, or the like.

27
28 For purposes of this subsection, "communications" include, but
29 are not limited to, providing information via Internet World
30 Wide Web home pages, newsletters, and other periodic
31 communications such as letters, surveys, questionnaires,

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

1 flyers, or postcards.
2 ~~(3)(2)~~ Any person violating the provisions of this
3 section is guilty of a misdemeanor of the first degree,
4 punishable as provided in s. 775.082 or s. 775.083.
5 ~~(4)(3)~~ Nothing contained in this section or in any
6 county or municipal charter shall be deemed to prohibit any
7 public employee from expressing his or her opinions on any
8 candidate or issue or from participating in any political
9 campaign during the employee's off-duty hours, so long as such
10 activities are not in conflict with the provisions of
11 subsection (1) or s. 110.233.

12
13
14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 2

17
18 after the semicolon insert:

19 amending s. 104.31, F.S.; prohibiting the use
20 of public facilities for promoting or opposing
21 a candidate or issue; providing exceptions;

22
23
24
25
26
27
28
29
30
31