

By Senator Posey

24-1249-05

1 A bill to be entitled
2 An act relating to standards of conduct for
3 appointed state officers; amending s. 112.313,
4 F.S.; expanding the definition of the term
5 "appointed state officer" to include members of
6 appointive boards, commissions, committees, or
7 councils created under the State Constitution;
8 prohibiting appointed state officers from
9 personally representing another person or
10 entity for compensation before any state
11 agency; providing that this prohibition does
12 not apply to any appointed state officer whose
13 term of office began before a specified date;
14 providing an effective date.
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16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Subsection (9) of section 112.313, Florida
19 Statutes, is amended to read:
20 112.313 Standards of conduct for public officers,
21 employees of agencies, and local government attorneys.--
22 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT
23 FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.--
24 (a)1. It is the intent of the Legislature to implement
25 by statute the provisions of s. 8(e), Art. II of the State
26 Constitution relating to legislators, statewide elected
27 officers, appointed state officers, and designated public
28 employees.
29 2. As used in this paragraph:
30 a. "Employee" means:
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1 (I) Any person employed in the executive or
2 legislative branch of government holding a position in the
3 Senior Management Service as defined in s. 110.402 or any
4 person holding a position in the Selected Exempt Service as
5 defined in s. 110.602 or any person having authority over
6 policy or procurement employed by the Department of the
7 Lottery.

8 (II) The Auditor General, the director of the Office
9 of Program Policy Analysis and Government Accountability, the
10 Sergeant at Arms and Secretary of the Senate, and the Sergeant
11 at Arms and Clerk of the House of Representatives.

12 (III) The executive director of the Legislative
13 Committee on Intergovernmental Relations and the executive
14 director and deputy executive director of the Commission on
15 Ethics.

16 (IV) An executive director, staff director, or deputy
17 staff director of each joint committee, standing committee, or
18 select committee of the Legislature; an executive director,
19 staff director, executive assistant, analyst, or attorney of
20 the Office of the President of the Senate, the Office of the
21 Speaker of the House of Representatives, the Senate Majority
22 Party Office, Senate Minority Party Office, House Majority
23 Party Office, or House Minority Party Office; or any person,
24 hired on a contractual basis, having the power normally
25 conferred upon such persons, by whatever title.

26 (V) The Chancellor and Vice Chancellors of the State
27 University System; the general counsel to the Board of
28 Governors ~~Regents~~; and the president, vice presidents, and
29 deans of each state university.

30 (VI) Any person having the power normally conferred
31 upon the positions referenced in this sub-subparagraph.

1 b. "Appointed state officer" means any member of an
2 appointive board, commission, committee, or council that is
3 created or established under the State Constitution or any
4 member of an appointive board, commission, committee, council,
5 or authority of the executive or legislative branch of state
6 government whose powers, jurisdiction, and authority are not
7 solely advisory and include the final determination or
8 adjudication of any personal or property rights, duties, or
9 obligations, other than those relative to its internal
10 operations.

11 c. "State agency" means an entity of the legislative,
12 executive, or judicial branch of state government over which
13 the Legislature exercises plenary budgetary and statutory
14 control.

15 3. No member of the Legislature, appointed state
16 officer, or statewide elected officer shall personally
17 represent another person or entity for compensation before the
18 government body or agency of which the individual was an
19 officer or member for a period of 2 years following vacation
20 of office.

21 4. No member of the Legislature or appointed state
22 officer shall personally represent another person or entity
23 for compensation during his or her term of office before any
24 state agency other than judicial tribunals or in settlement
25 negotiations after the filing of a lawsuit. This subparagraph
26 does not apply to any appointed state officer whose term of
27 office began before July 1, 2005.

28 ~~5.4.~~ No agency employee shall personally represent
29 another person or entity for compensation before the agency
30 with which he or she was employed for a period of 2 years
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1 following vacation of position, unless employed by another
2 agency of state government.

3 ~~6.5-~~ Any person violating this paragraph shall be
4 subject to the penalties provided in s. 112.317 and a civil
5 penalty of an amount equal to the compensation which the
6 person receives for the prohibited conduct.

7 ~~7.6-~~ This paragraph is not applicable to:

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

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

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

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

19 e. Any appointed state officer whose term of office
20 began before January 1, 1995, unless reappointed to that
21 office on or after January 1, 1995.

22 (b) In addition to the provisions of this part which
23 are applicable to legislators and legislative employees by
24 virtue of their being public officers or employees, the
25 conduct of members of the Legislature and legislative
26 employees shall be governed by the ethical standards provided
27 in the respective rules of the Senate or House of
28 Representatives which are not in conflict herewith.

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

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SENATE SUMMARY

Redefines the term "appointed state officer" for purposes of required standards of conduct to include members of appointive boards, commissions, committees, or councils created under the State Constitution. Prohibits an appointed state officer from personally representing another person or entity for compensation before any state agency. Provides that this prohibition does not apply to an appointed state officer whose term of office began before July 1, 2005.