

By Senator Rouson

19-00656-18

20181330\_\_

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 retroactive  
13          applicability; providing an effective date.

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

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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, employees  
20           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:

19-00656-18

20181330\_\_

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 staff  
43 director of each joint committee, standing committee, or select  
44 committee of the Legislature; an executive director, staff  
45 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.

19-00656-18

20181330\_\_

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           3.a. A ~~No~~ member of the Legislature, ~~appointed state~~  
70 ~~officer,~~ or statewide elected officer may not shall personally  
71 represent another person or entity for compensation before any  
72 state government body or state agency other than judicial  
73 tribunals or in settlement negotiations after the filing of a  
74 lawsuit the government body or agency of which the individual  
75 ~~was an officer or member~~ for a period of 6 ~~2~~ years following  
76 vacation of office. A ~~No~~ member of the Legislature may not shall  
77 personally represent another person or entity for compensation  
78 during his or her term of office before any state agency other  
79 than judicial tribunals or in settlement negotiations after the  
80 filing of a lawsuit.

81           b. An appointed state officer may not personally represent  
82 another person or entity for compensation before the government  
83 body or agency of which the individual was an officer or member  
84 for a period of 2 years following vacation of office ~~For a~~  
85 ~~period of 2 years following vacation of office, a former member~~  
86 ~~of the Legislature may not act as a lobbyist for compensation~~  
87 ~~before an executive branch agency, agency official, or employee.~~

19-00656-18

20181330\_\_

88 ~~The terms used in this sub-subparagraph have the same meanings~~  
89 ~~as provided in s. 112.3215.~~

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

98 5. Any person violating this paragraph shall be subject to  
99 the penalties provided in s. 112.317 and a civil penalty of an  
100 amount equal to the compensation which the person receives for  
101 the prohibited conduct.

102 6. This paragraph is not applicable to:

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

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

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

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

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

19-00656-18

20181330\_\_

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

124 Section 2. The amendment made by this act to s. 112.313,  
125 Florida Statutes, applies only to those individuals who were  
126 members of the Legislature at any time after November 8, 2016,  
127 or who were statewide elected officers at any time after  
128 November 8, 2016.

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