

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Rules & Policy Committee
2 Representative Metz offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (9) of section 112.313, Florida
7 Statutes, is amended to read:

8 112.313 Standards of conduct for public officers,
9 employees of agencies, and local government attorneys.—

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

12 (a)1. It is the intent of the Legislature to implement by
13 statute the provisions of s. 8(e), Art. II of the State
14 Constitution relating to legislators, statewide elected
15 officers, appointed state officers, and designated public
16 employees.

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17 2. As used in this paragraph:

18 a. "Employee" means:

19 (I) Any person employed in the executive or legislative
20 branch of government holding a position in the Senior Management
21 Service as defined in s. 110.402 or any person holding a
22 position in the Selected Exempt Service as defined in s. 110.602
23 or any person having authority over policy or procurement
24 employed by the Department of the Lottery.

25 (II) The Auditor General, the director of the Office of
26 Program Policy Analysis and Government Accountability, the
27 Sergeant at Arms and Secretary of the Senate, and the Sergeant
28 at Arms and Clerk of the House of Representatives.

29 (III) The executive director and deputy executive director
30 of the Commission on Ethics.

31 (IV) An executive director, staff director, or deputy
32 staff director of each joint committee, standing committee, or
33 select committee of the Legislature; an executive director,
34 staff director, executive assistant, analyst, or attorney of the
35 Office of the President of the Senate, the Office of the Speaker
36 of the House of Representatives, the Senate Majority Party
37 Office, Senate Minority Party Office, House Majority Party
38 Office, or House Minority Party Office; or any person, hired on
39 a contractual basis, having the power normally conferred upon
40 such persons, by whatever title.

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41 (V) The Chancellor and Vice Chancellors of the State
42 University System; the general counsel to the Board of Governors
43 of the State University System; and the president, provost, vice
44 presidents, and deans of each state university.

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

48 b. "Appointed state officer" means any member of an
49 appointive board, commission, committee, council, or authority
50 of the executive or legislative branch of state government whose
51 powers, jurisdiction, and authority are not solely advisory and
52 include the final determination or adjudication of any personal
53 or property rights, duties, or obligations, other than those
54 relative to its internal operations.

55 c. "State agency" means an entity of the legislative,
56 executive, or judicial branch of state government over which the
57 Legislature exercises plenary budgetary and statutory control.
58

59 3.a. A ~~No~~ member of the Legislature, ~~appointed state~~
60 ~~officer,~~ or statewide elected officer may not shall personally
61 represent another person or entity for compensation before any
62 state government body or state agency other than judicial
63 tribunals or in settlement negotiations after the filing of a
64 lawsuit the government body or agency of which the individual
65 ~~was an officer or member~~ for a period of 6 ~~2~~ years following

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Published On: 2/20/2017 5:35:21 PM

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66 vacation of office. ~~A No~~ member of the Legislature may not shall
67 personally represent another person or entity for compensation
68 during his or her term of office before any state agency other
69 than judicial tribunals or in settlement negotiations after the
70 filing of a lawsuit.

71 b. An appointed state officer may not personally represent
72 another person or entity for compensation before the government
73 body or agency of which the individual was an officer or member
74 for a period of 2 years following vacation of office. ~~For a~~
75 ~~period of 2 years following vacation of office, a former member~~
76 ~~of the Legislature may not act as a lobbyist for compensation~~
77 ~~before an executive branch agency, agency official, or employee.~~
78 ~~The terms used in this sub-subparagraph have the same meanings~~
79 ~~as provided in s. 112.3215.~~

80 4. An agency employee, including an agency employee who
81 was employed on July 1, 2001, in a Career Service System
82 position that was transferred to the Selected Exempt Service
83 System under chapter 2001-43, Laws of Florida, may not
84 personally represent another person or entity for compensation
85 before the agency with which he or she was employed for a period
86 of 2 years following vacation of position, unless employed by
87 another agency of state government.

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

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90 amount equal to the compensation which the person receives for
91 the prohibited conduct.

92 6. This paragraph is not applicable to:

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

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

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

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

104 e. Any appointed state officer whose term of office began
105 before January 1, 1995, unless reappointed to that office on or
106 after January 1, 1995.

107 (b) In addition to the provisions of this part which are
108 applicable to legislators and legislative employees by virtue of
109 their being public officers or employees, the conduct of members
110 of the Legislature and legislative employees shall be governed
111 by the ethical standards provided in the respective rules of the
112 Senate or House of Representatives which are not in conflict
113 herewith.

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114 Section 2. The amendment made by this act to s. 112.313,
115 Florida Statutes, applies only to those individuals who were
116 members of the Legislature at any time after November 8, 2016,
117 or who were statewide elected officers at any time after
118 November 8, 2016.

119 Section 3. This act shall take effect July 1, 2017.

120

121

122 **T I T L E A M E N D M E N T**

123 Remove everything before the enacting clause and insert:

124 A bill to be entitled

125 An act relating to state officer post-service lobbying
126 restrictions; amending s. 112.313, F.S.; prohibiting
127 legislators and statewide elected officers from
128 personally representing another person or entity for
129 compensation before any state government body or state
130 agency except judicial tribunals for a specified time
131 period following vacation of office; deleting a
132 prohibition on a former legislator from acting as a
133 lobbyist before an executive branch agency, agency
134 official, or employee for a specified period following
135 vacation of office; providing applicability; providing
136 an effective date.

137