

1 A bill to be entitled

2 An act relating to state officer post-service lobbying  
3 prohibitions; amending s. 112.312, F.S.; defining the  
4 term "appointed state officer"; amending s. 112.313,  
5 F.S.; deleting a definition; extending the prohibition  
6 on legislators, elected statewide officers, and  
7 appointed state officers, from providing personal  
8 representation for compensation before the government  
9 body or agency of which the individual was an officer  
10 or member to a number of specified years following  
11 vacation of office; extending the prohibition on  
12 legislators lobbying the executive branch for  
13 compensation to a number of specified years following  
14 vacation of office; providing applicability; amending  
15 s. 1001.421, F.S.; conforming a provision to changes  
16 made by the act; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsections (3) through (24) of section  
21 112.312, Florida Statutes, are renumbered as subsections (4)  
22 through (25), respectively, and a new subsection (3) is added to  
23 that section, to read:

24 112.312 Definitions.—As used in this part and for purposes  
25 of the provisions of s. 8, Art. II of the State Constitution,

26 unless the context otherwise requires:

27 (3) "Appointed state officer" means any member of an  
28 appointive board, commission, committee, council, or authority  
29 of the executive or legislative branch of state government whose  
30 powers, jurisdiction, and authority are not solely advisory and  
31 include the final determination or adjudication of any personal  
32 or property rights, duties, or obligations, other than those  
33 relative to its internal operations.

34 Section 2. Subsection (9) of section 112.313, Florida  
35 Statutes, is amended to read:

36 112.313 Standards of conduct for public officers,  
37 employees of agencies, and local government attorneys.—

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

40 (a)1. It is the intent of the Legislature to implement by  
41 statute the provisions of s. 8(e), Art. II of the State  
42 Constitution relating to legislators, statewide elected  
43 officers, appointed state officers, and designated public  
44 employees.

45 2. As used in this paragraph:

46 a. "Employee" means:

47 (I) Any person employed in the executive or legislative  
48 branch of government holding a position in the Senior Management  
49 Service as defined in s. 110.402 or any person holding a  
50 position in the Selected Exempt Service as defined in s. 110.602

51 or any person having authority over policy or procurement  
52 employed by the Department of the Lottery.

53 (II) The Auditor General, the director of the Office of  
54 Program Policy Analysis and Government Accountability, the  
55 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
56 at Arms and Clerk of the House of Representatives.

57 (III) The executive director and deputy executive director  
58 of the Commission on Ethics.

59 (IV) An executive director, staff director, or deputy  
60 staff director of each joint committee, standing committee, or  
61 select committee of the Legislature; an executive director,  
62 staff director, executive assistant, analyst, or attorney of the  
63 Office of the President of the Senate, the Office of the Speaker  
64 of the House of Representatives, the Senate Majority Party  
65 Office, Senate Minority Party Office, House Majority Party  
66 Office, or House Minority Party Office; or any person, hired on  
67 a contractual basis, having the power normally conferred upon  
68 such persons, by whatever title.

69 (V) The Chancellor and Vice Chancellors of the State  
70 University System; the general counsel to the Board of Governors  
71 of the State University System; and the president, provost, vice  
72 presidents, and deans of each state university.

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

76 b. ~~"Appointed state officer" means any member of an~~  
77 ~~appointive board, commission, committee, council, or authority~~  
78 ~~of the executive or legislative branch of state government whose~~  
79 ~~powers, jurisdiction, and authority are not solely advisory and~~  
80 ~~include the final determination or adjudication of any personal~~  
81 ~~or property rights, duties, or obligations, other than those~~  
82 ~~relative to its internal operations.~~

83 e. "State agency" means an entity of the legislative,  
84 executive, or judicial branch of state government over which the  
85 Legislature exercises plenary budgetary and statutory control.

86 3.a. A ~~No~~ member of the Legislature, appointed state  
87 officer, or statewide elected officer may not ~~shall~~ personally  
88 represent another person or entity for compensation before the  
89 government body or agency of which the individual was an officer  
90 or member for a period of 6 ~~2~~ years following vacation of  
91 office. A ~~No~~ member of the Legislature may not ~~shall~~ personally  
92 represent another person or entity for compensation during his  
93 or her term of office before any state agency other than  
94 judicial tribunals or in settlement negotiations after the  
95 filing of a lawsuit.

96 b. For a period of 6 ~~2~~ years following vacation of office,  
97 a former member of the Legislature may not act as a lobbyist for  
98 compensation before an executive branch agency, agency official,  
99 or employee. The terms used in this sub-subparagraph have the  
100 same meanings as provided in s. 112.3215.

101           4. An agency employee, including an agency employee who  
102 was employed on July 1, 2001, in a Career Service System  
103 position that was transferred to the Selected Exempt Service  
104 System under chapter 2001-43, Laws of Florida, may not  
105 personally represent another person or entity for compensation  
106 before the agency with which he or she was employed for a period  
107 of 2 years following vacation of position, unless employed by  
108 another agency of state government.

109           5. Any person violating this paragraph shall be subject to  
110 the penalties provided in s. 112.317 and a civil penalty of an  
111 amount equal to the compensation which the person receives for  
112 the prohibited conduct.

113           6. This paragraph is not applicable to:

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

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

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

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

125           e. Any appointed state officer whose term of office began

126 before January 1, 1995, unless reappointed to that office on or  
127 after January 1, 1995.

128 (b) In addition to the provisions of this part which are  
129 applicable to legislators and legislative employees by virtue of  
130 their being public officers or employees, the conduct of members  
131 of the Legislature and legislative employees shall be governed  
132 by the ethical standards provided in the respective rules of the  
133 Senate or House of Representatives which are not in conflict  
134 herewith.

135 Section 3. The amendment made by this act to s. 112.313,  
136 Florida Statutes, applies only to those individuals who were  
137 members of the Legislature at any time after November 8, 2016,  
138 who were statewide elected officers at any time after November  
139 8, 2016, or who were appointed state officers at any time after  
140 July 1, 2017.

141 Section 4. Section 1001.421, Florida Statutes, is amended  
142 to read:

143 1001.421 Gifts.—Notwithstanding any other provision of law  
144 to the contrary, district school board members and their  
145 relatives, as defined in s. 112.312(22) ~~112.312(21)~~, may not  
146 directly or indirectly solicit any gift, or directly or  
147 indirectly accept any gift in excess of \$50, from any person,  
148 vendor, potential vendor, or other entity doing business with  
149 the school district. The term "gift" has the same meaning as in  
150 s. 112.312(13) ~~112.312(12)~~.

HB 7003

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151        Section 5.    This act shall take effect July 1, 2017.