

Amendment No.

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WITHDRAWN _____ (Y/N)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: Oversight, Transparency &
2 Public Management Subcommittee

3 Representative Sabatini offered the following:

4
5 **Amendment**

6 Remove lines 67-273 and insert:

7 (b) "Public service announcement" means any message
8 communicated by radio, television, billboard, or electronic
9 means that promotes or announces an issue of public importance,
10 concern, or welfare. The term does not include an official
11 communication on an elected official's website or social media
12 account used exclusively for official business.

13 (2) A governmental entity, a person acting on behalf of a
14 governmental entity, or an elected official may not use or
15 authorize the use of an elected official's name, image,
16 likeness, official uniform, badge, or other symbol of office in

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17 a public service announcement beginning on the date that the
18 elected official qualifies as a candidate under s. 99.061, or
19 other applicable law, for reelection or election to another
20 public office and ending on the day after the election for which
21 the elected official qualified as a candidate, if such
22 announcement is paid for with public funds, as defined in s.
23 106.113, or if the time or space for such announcement is
24 donated by the communications media. This subsection does not
25 apply to charitable events held by a tax-exempt organization
26 under s. 501(c) (3) of the Internal Revenue Code or bona fide
27 news events such as press conferences or public debates
28 broadcast by a broadcaster licensed by the Federal
29 Communications Commission.

30 Section 3. Subsection (7), paragraph (a) of subsection
31 (9), and subsection (15) of section 112.313, Florida Statutes,
32 are amended to read:

33 112.313 Standards of conduct for public officers,
34 employees of agencies, and local government attorneys.—

35 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

36 (a) A ~~Ne~~ public officer or employee of an agency may not
37 ~~shall~~ have or hold any employment or contractual relationship
38 with any business entity or any agency ~~that~~ ~~which~~ is subject to
39 the regulation of, or is doing business with, the officer's or
40 employee's ~~an~~ agency. Such officer or employee may not have or
41 hold any employment or contractual relationship that will create

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42 | a continuing or frequently recurring conflict between his or her
43 | private interests and the performance of his or her public
44 | duties or that would impede the full and faithful discharge of
45 | his or her public duties. This paragraph does not apply to ~~of~~
46 | ~~which he or she is an officer or employee, excluding those~~
47 | ~~organizations and their officers who, when acting in their~~
48 | ~~official capacity, enter into or negotiate a collective~~
49 | ~~bargaining contract with the state or any municipality, county,~~
50 | ~~or other political subdivision of the state; nor shall an~~
51 | ~~officer or employee of an agency have or hold any employment or~~
52 | ~~contractual relationship that will create a continuing or~~
53 | ~~frequently recurring conflict between his or her private~~
54 | ~~interests and the performance of his or her public duties or~~
55 | ~~that would impede the full and faithful discharge of his or her~~
56 | ~~public duties.~~

57 | 1. When the agency referred to is a ~~that certain kind of~~
58 | ~~special tax district created by general or special law and is~~
59 | ~~limited specifically to constructing, maintaining, managing, and~~
60 | ~~financing improvements in the land area over which the agency~~
61 | ~~has jurisdiction, or when the agency has been organized pursuant~~
62 | ~~to chapter 298, then employment with, or entering into a~~
63 | ~~contractual relationship with, such a business entity by a~~
64 | ~~public officer or employee of such an agency is ~~shall~~ not ~~be~~~~
65 | ~~prohibited by this subsection or ~~be~~ deemed a conflict ~~per se~~.~~
66 | However, conduct by such officer or employee that is prohibited

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67 by, or otherwise frustrates the intent of, this section is shall
68 ~~be deemed~~ a conflict of interest in violation of the standards
69 of conduct set forth by this section.

70 2. When the agency referred to is a legislative body and
71 the regulatory power over the business entity resides in another
72 agency, or when the regulatory power that ~~which~~ the legislative
73 body exercises over the business entity or agency is strictly
74 through the enactment of laws or ordinances, ~~then~~ employment
75 with, or entering into a contractual relationship with, such a
76 business entity by a public officer or employee of such a
77 legislative body is shall not ~~be~~ prohibited by this subsection
78 or ~~be~~ deemed a conflict based on the regulatory power of the
79 legislative body, unless prohibited or deemed a conflict by
80 another law.

81 (b) This subsection does ~~shall~~ not prohibit a public
82 officer or employee from practicing in a particular profession
83 or occupation when such practice by persons holding such public
84 office or employment is required or permitted by law or
85 ordinance.

86 (c) A public officer or employee of an agency may not
87 solicit any employment or contractual relationship prohibited by
88 this subsection, except as expressly permitted in s. 112.3185.

89 (d) A public officer or employee of an agency must
90 disclose to the head of his or her agency, the general counsel
91 or inspector general of his or her agency, or any other officer

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92 or attorney designated by the head of his or her agency any
93 offer of employment or contractual relationship that is
94 prohibited by this subsection.

95 (e) If a public officer or employee of an agency, or a
96 person acting on his or her behalf, violates paragraph (c), the
97 solicited business entity or agency must disclose such
98 solicitation to the head of the officer's or employee's agency.
99 If such solicitation is by or on behalf of the head of the
100 agency or a member of a body that is the head of the agency, the
101 solicited business entity or agency must disclose such
102 solicitation to the commission. The commission may investigate
103 such disclosure as if it were a valid complaint under this part.

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

106 (a)1. It is the intent of the Legislature to implement by
107 statute the provisions of s. 8(e), Art. II of the State
108 Constitution relating to legislators, statewide elected
109 officers, appointed state officers, and designated public
110 employees.

111 2. As used in this paragraph:

112 a. "Employee" means:

113 (I) Any person employed in the executive or legislative
114 branch of government holding a position in the Senior Management
115 Service as defined in s. 110.402 or any person holding a
116 position in the Selected Exempt Service as defined in s. 110.602

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117 or any person having authority over policy or procurement
118 employed by the Department of the Lottery.

119 (II) The Auditor General, the director of the Office of
120 Program Policy Analysis and Government Accountability, the
121 Sergeant at Arms and Secretary of the Senate, and the Sergeant
122 at Arms and Clerk of the House of Representatives.

123 (III) The executive director and deputy executive director
124 of the Commission on Ethics.

125 (IV) An executive director, staff director, or deputy
126 staff director of each joint committee, standing committee, or
127 select committee of the Legislature; an executive director,
128 staff director, executive assistant, analyst, or attorney of the
129 Office of the President of the Senate, the Office of the Speaker
130 of the House of Representatives, the Senate Majority Party
131 Office, Senate Minority Party Office, House Majority Party
132 Office, or House Minority Party Office; or any person, hired on
133 a contractual basis, having the power normally conferred upon
134 such persons, by whatever title.

135 (V) The Chancellor and Vice Chancellors of the State
136 University System; the general counsel to the Board of Governors
137 of the State University System; and the president, provost, vice
138 presidents, and deans of each state university.

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

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142 b. "Appointed state officer" means any member of an
143 appointive board, commission, committee, council, or authority
144 of the executive or legislative branch of state government whose
145 powers, jurisdiction, and authority are not solely advisory and
146 include the final determination or adjudication of any personal
147 or property rights, duties, or obligations, other than those
148 relative to its internal operations.

149 c. "State agency" means an entity of the legislative,
150 executive, or judicial branch of state government over which the
151 Legislature exercises plenary budgetary and statutory control.

152 3.a. A ~~No~~ member of the Legislature, appointed state
153 officer, or statewide elected officer may not ~~shall~~ personally
154 represent another person or entity for compensation before the
155 government body or agency of which the individual was an officer
156 or member for a period of 2 years following vacation of office.

157 A ~~No~~ member of the Legislature may not ~~shall~~ personally
158 represent another person or entity for compensation during his
159 or her term of office before any state agency other than
160 judicial tribunals or in settlement negotiations after the
161 filing of a lawsuit.

162 b. For a period of 2 years following vacation of office, a
163 former member of the Legislature may not act as a lobbyist for
164 compensation before an executive branch agency, agency official,
165 or employee. The terms used in this sub-subparagraph have the
166 same meanings as provided in s. 112.3215.

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167 4. An agency employee, including an agency employee who
168 was employed on July 1, 2001, in a Career Service System
169 position that was transferred to the Selected Exempt Service
170 System under chapter 2001-43, Laws of Florida, may not
171 personally represent another person or entity for compensation
172 before the agency with which he or she was employed for a period
173 of 2 years following vacation of position, unless employed by
174 and representing another state agency ~~of state government~~.

175 5. Any person violating this paragraph shall be subject to
176 the penalties provided in s. 112.317 and a civil penalty of an
177 amount equal to the compensation which the person receives for
178 the prohibited conduct.

179 ~~6. This paragraph is not applicable to:~~

180 ~~a. A person employed by the Legislature or other agency~~
181 ~~prior to July 1, 1989;~~

182 ~~b. A person who was employed by the Legislature or other~~
183 ~~agency on July 1, 1989, whether or not the person was a defined~~
184 ~~employee on July 1, 1989;~~

185 ~~c. A person who was a defined employee of the State~~
186 ~~University System or the Public Service Commission who held such~~
187 ~~employment on December 31, 1994;~~

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

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191 ~~e. Any appointed state officer whose term of office began~~
192 ~~before January 1, 1995, unless reappointed to that office on or~~
193 ~~after January 1, 1995.~~

194 (15) (a) ADDITIONAL EXEMPTION.—~~An~~ ~~Ne~~ elected public officer
195 may not shall be held in violation of subsection (7) if the
196 officer maintains an employment relationship with an entity
197 which is currently a tax-exempt organization under s. 501(c) of
198 the Internal Revenue Code and which contracts with or otherwise
199 enters into a business relationship with the officer's agency
200 and:

201 1.(a) The officer's employment is not directly or
202 indirectly compensated as a result of such contract or business
203 relationship;

204 2.(b) The officer has in no way participated in the
205 agency's decision to contract or to enter into the business
206 relationship with his or her employer, whether by participating
207 in discussion at the meeting, by communicating with officers or
208 employees of the agency, or otherwise; and

209 3.(c) The officer abstains from voting on any matter which
210 may come before the agency involving the officer's employer,
211 publicly states to the assembly the nature of the officer's
212 interest in the matter from which he or she is abstaining, and
213 files a written memorandum as provided in s. 112.3143.

214 (b) This subsection does not apply to an officer who
215 begins his or her term of office on or after October 1, 2019.