

1989

Session Law 89-380

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-380" (1989). *Staff Analysis*. 1173.
<https://ir.law.fsu.edu/staff-analysis/1173>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

S 132 GENERAL BILL/CS/2ND ENG by Ethics and Elections; Scott; Brown; Kiser and others (Compare H 411, CS/H 440, H 487, H 741, H 742, CS/H 1046, CS/2ND ENG/H 1082, H 1096, CS/S 133, CS/CS/S 139, S 140, S 150, S 151, CS/S 673)
Public Officers & Employees; (THIS BILL COMBINES S132,140,150) provides additional standards of conduct for public officers & employees; provides definitions & penalties; provides exceptions; provides for filing by certain public officers of statements listing contributions; repeals provision re statements of contributions received by elected public officers. Amends 112.3141; creates 112.3148; repeals 111.011. Effective Date: 07/06/89 except as otherwise provided.
01/27/89 SENATE Prefiled
02/13/89 SENATE Referred to Ethics and Elections; Personnel, Retirement and Collective Bargaining; Rules and Calendar
04/04/89 SENATE Introduced, referred to Ethics and Elections; Personnel, Retirement and Collective Bargaining; Rules and Calendar -SJ 18
04/14/89 SENATE Extension of time granted Committee Ethics and Elections
04/28/89 SENATE Extension of time granted Committee Ethics and Elections
05/09/89 SENATE Withdrawn from- Personnel, Retirement and Collective Bargaining -SJ 277
05/12/89 SENATE Extension of time granted Committee Ethics and Elections
05/16/89 SENATE On Committee agenda—Ethics and Elections, 05/18/89, 8:00 am, Room-C-(LL-32)
05/18/89 SENATE CS combines this bill and 140 & 150; Combined CS additional reference(s): Personnel, Retirement and Collective Bargaining; Comm. Report: CS by Ethics and Elections -SJ 404
05/19/89 SENATE CS read first time -SJ 404; Now in Personnel, Retirement and Collective Bargaining -SJ 404
05/24/89 SENATE Withdrawn from Personnel, Retirement and Collective Bargaining -SJ 414; Now in Rules and Calendar
05/26/89 SENATE Extension of time granted Committee Rules and Calendar
05/29/89 SENATE Withdrawn from Rules and Calendar -SJ 557; Placed on Calendar
06/01/89 SENATE Placed on Special Order Calendar -SJ 686 & -SJ 754; CS passed as amended; YEAS 33 NAYS 0 -SJ 797
06/01/89 HOUSE In Messages
06/02/89 HOUSE Received, placed on Calendar -HJ 1295; Read second time; Amendments adopted; Read third time; CS passed as amended; YEAS 110 NAYS 0 -HJ 1296
06/02/89 SENATE In Messages; Was taken up -SJ 1232; Concurred; CS passed as amended; YEAS 36 NAYS 0 -SJ 1233
06/02/89 Ordered engrossed, then enrolled -SJ 1233
06/21/89 Signed by Officers and presented to Governor
07/06/89 Approved by Governor; Chapter No. 89-380; Amended by HB 22-B

B
I
L
L

H
I
S
T
O
R
Y

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stephens</u> <i>[Signature]</i>	<u>Stephens</u> <i>[Signature]</i>	1. <u>EE</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>PRCB</u>	_____
3. _____	_____	3. <u>RC</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Lobbying/Former State Agency Employees

BILL NO. AND SPONSOR:

CS/SB 132, 140, and 150 by Committee on Ethics and Elections, and Senators Scott, Brown and Kiser

I. SUMMARY:

A. Present Situation:

Section 8(e), Article II, of the State Constitution provides that no member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. Similar restrictions on other public officers and employees may be established by law. Section 112.313(13), F.S., provides that the governing body of any county or municipality is authorized to adopt an ordinance providing that no county or municipal officer or employee shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of two years following vacation of office or termination of employment, except for the purposes of collective bargaining. There are no similar provisions for former state employees in the State Constitution or state law.

The term "represent" is defined in s. 112.312(17), F.S., to mean the actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client. The term "employee" is defined in a variety of ways throughout the statutes. Section 20.03, F.S., defines "agency", "department", and "commission" for purposes of the executive branch.

Generally speaking, the executive branch of government includes the Executive Offices of the Governor; the offices of the Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Agriculture, and Commissioner of Education; the Board of Administration; the Administration Commission; the Office of Executive Clemency; the Departments of Administration, Agriculture and Consumer Services, Banking and Finance, Business Regulation, Citrus, Commerce, Community Affairs, Corrections, Education, Environmental Regulation, General Services, Health and Rehabilitative Services, Highway Safety and Motor Vehicles, Insurance, Labor and Employment Security, Law Enforcement, Legal Affairs, Lottery, Military Affairs, Natural Resources, Professional Regulation, Revenue, State, Transportation, and Veterans' Affairs; the Parole Commission; and the Game and Fresh Water Fish Commission.

The legislative branch generally includes the Senate, House of Representatives, Joint Committees, Advisory Council on Intergovernmental Relations, Commission on Ethics, Florida Public Service Commission Nominating Council, Joint

Administrative Procedures Committee, Joint Legislative Auditing Committee, Joint Legislative Management Committee, Legislative Budget Committee, Legislative Information Technology Resource Committee, Legislative Internship Committee, Office of Auditor General, Public Counsel, and the Public Service Commission.

The judicial branch generally includes the Florida Supreme Court, district courts of appeal, circuit courts, county courts, Justice Administrative Commission, Board of Bar Examiners, Florida Bar, and the Office of Capital Collateral Representative.

Section 775.082(4)(a), F.S., states that a person who has been convicted of a first degree misdemeanor may be sentenced by a term of imprisonment not exceeding one year. Section 775.083(1)(d), F.S., provides that the fine for a first degree misdemeanor shall not exceed \$1,000.

B. Effect of Proposed Changes:

Employee is defined as an individual, other than an elected official, who is filling an authorized position, as defined in s. 216.011(1)(d), Florida Statutes, in a state agency of the executive, legislative, or judicial branch of state government. State agency is defined as a department, commission, Office of the Governor, Legislature, board, authority, council, or committee of the state.

A former employee may not personally represent another person for compensation before the state agency by which he was employed, for a period of two years after leaving such employment, except on behalf of another state agency while subsequently employed by that agency.

An attorney who is a member of the Florida Bar and is also a former employee of the judicial branch is not prohibited from representing another person for compensation in any court of the state during the two year period following termination of his employment with the judicial branch.

A person who violated these provisions would be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not to exceed one year or a fine not to exceed \$1,000.

The provisions of the bill apply to persons who are employees of state agencies on or after October 1, 1989.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

State government employees would be limited in the type of employment they could accept in the two years following termination of their state government employment.

B. Government:

The Department of Labor and Employment Security indicates that some employees may leave state government prior to October 1, 1989 in order to avoid the bills provisions, and that future recruiting may be adversely affected.

Alternatively, state government may lose fewer employees over the long term.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 132, 140, and 150

The bill applies to former state agency employees who were state agency employees on or after October 1, 1989. Persons who violate the provisions of the bill are subject to first degree misdemeanor penalties.

Committee on Ethics & Elections



Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)