

## Florida Toughens Ethics Restrictions

July 2022

On May 25, 2022, Florida Governor Ron DeSantis signed two bills – HB 7001 and HB 7003 – which achieve final implementation of amendments to the Florida State Constitution, first, by extending the period during which certain Florida government officials are prohibited from lobbying to six years after the conclusion of government service, and second, by restricting lobbying by these officials during their terms in office. The restrictions implemented by these bills become effective on December 31, 2022.

Florida House Bill 7001 implements a new Section 8(f) of Article II of the Florida State Constitution. Amendment of the Florida Constitution to include this new section was accomplished through approval of a ballot measure by nearly 80% of voters in November 2018. New Section 8(f) of Article II provides that a Florida “public officer” shall not:

- “[L]obby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office”; or
- “[L]obby for compensation on issues of policy, appropriations, or procurement for a period of six years after vacation of public position.. . .”

The current (until year-end) post-employment “lobbying ban” period for Florida state legislators and elected officials is two years. “Public officer” as used in this new Section 8(f) of Article II means:

a statewide elected officer, a member of the legislature, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, an elected special district

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officer in a special district with ad valorem taxing authority, or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government.

Florida House Bill 7003 implements a new Section 13(b) of Article V of the Florida State Constitution prohibiting former members of the Florida judiciary from “lobby[ing] for compensation on issues of policy, appropriations, or procurement before the legislative or executive branches of state government for a period of six years after he or she vacates his or her judicial position.” This amendment to Article V was accomplished through the same November 2018 ballot measure that amended Article II, as discussed above.

Both HB 7001 and 7003 contain detailed definitions of “lobby” and other key terms and set out exceptions to the relevant restrictions. The bills signed into law by Gov. DeSantis also impose a scheme of penalties for violations of the constitutionally imposed restrictions. These penalties may include: public censure; a civil penalty of up to \$10,000; and forfeiture of any pecuniary benefit received through violative conduct.