



# The Florida House of Representatives

## Office of the Speaker

Marco Rubio  
Speaker

420 Capitol Building  
(850) 488-1450

### ADVISORY OPINION OF THE SPEAKER 08-02

To: Dennis K. Baxley

From: Marco Rubio, Speaker, The Florida House of Representatives

Date: March 4, 2008

Re: Application of Post-Employment Lobbying Restrictions

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You requested an opinion pursuant to House Rule 16.3(b) and asked for clarification of how the post-employment lobbying restrictions would apply to your current situation.

Article II, Section 8(e) of the Florida Constitution provides:

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. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

Section 112.313(9)(a)(3), Florida Statutes, implements the above constitutional provision and provides in pertinent part:

No member of the Legislature, appointed state officer, 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 2 years following vacation of office...

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You were elected as a member of the Florida House of Representatives in 2000 and served in the House until your resignation became effective on June 12, 2007. On February 1, 2008, you began serving as the Executive Director of the Christian Coalition of Florida.

Applying the constitutional section and statute here, you would be prohibited from representing any client for compensation in the House for two years from June 12, 2007. Representation is defined in section 112.312(22), F.S., as:

“Represent” or “representation” means 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 Commission on Ethics (CEO 92-03) has interpreted that definition to prohibit communication with members and/or staff, as well as, a prohibition on attending committee meetings on behalf of a paying client. In the instance of a council or committee meeting where a bill is being heard and the coalition has taken a position; you would be prohibited from attending the meeting. Therefore, you would not be able to participate in any of the above activities on behalf of your client.

Notwithstanding the above paragraphs, each elected body is the sole judge of lobbying activities before it. Therefore, my opinion is only valid for the House, and if you have any question as to how the post-employment restrictions would apply in the Senate or the Cabinet, I encourage you to request an opinion from the Senate or the Florida Commission on Ethics.

*Prepared by the Office of the General Counsel pursuant to Rule 16.3(b)*

MR/jmh/jta