

By Senators Cowin, Gutman and Myers

11-712A-98

See HB

1 A bill to be entitled
2 An act relating to lobbying; amending s.
3 11.062, F.S.; prohibiting the use of funds by
4 certain governmental entities for retaining a
5 lobbyist; providing penalties; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (2) of section 11.062, Florida
11 Statutes, is amended to read:

12 11.062 Use of state funds for lobbying prohibited;
13 penalty.--

14 (2)(a) A department of the executive branch, a state
15 university, a community college, ~~or~~ a water management
16 district, or an agency of the judicial branch may not use any
17 public funds to retain a lobbyist to represent it before the
18 legislative or executive branch. However, full-time employees
19 of a department of the executive branch, a state university, a
20 community college, ~~or~~ a water management district, or an
21 agency of the judicial branch may register as lobbyists and
22 represent that employer before the legislative or executive
23 branch. Except as a full-time employee, a person may not
24 accept any public funds from a department of the executive
25 branch, a state university, a community college, ~~or~~ a water
26 management district, or an agency of the judicial branch for
27 lobbying.

28 (b) A department of the executive branch, a state
29 university, a community college, ~~or~~ a water management
30 district, or an agency of the judicial branch that violates
31 this subsection may be prohibited from lobbying the

1 legislative or executive branch for a period not exceeding 2
2 years.

3 (c) This subsection shall not be construed to prohibit
4 a department of the executive branch, a state university, a
5 community college, ~~or~~ a water management district, or an
6 agency of the judicial branch from retaining a lobbyist for
7 purposes of representing the entity before the executive or
8 legislative branch of the Federal Government. Further, any
9 person so retained is not subject to the prohibitions of this
10 subsection.

11 (d) A person who accepts public funds as compensation
12 for lobbying in violation of this subsection may be prohibited
13 from registering to lobby before the legislative or executive
14 branch for a period not exceeding 2 years.

15 (e) A person may file a written complaint with the
16 Commission on Ethics alleging a violation of this subsection.
17 The commission shall investigate and report its finding to the
18 President of the Senate, the Speaker of the House of
19 Representatives, and the Governor and Cabinet. Based upon the
20 report of the Commission on Ethics or upon its own finding
21 that a violation of this subsection has occurred, a house of
22 the Legislature may discipline the violator according to its
23 rules, and the Governor or the Governor and Cabinet, as
24 applicable, may prohibit the violator from lobbying before the
25 executive branch for a period not exceeding 2 years after the
26 date of the formal determination of a violation. The
27 Commission on Ethics shall adopt rules necessary to conduct
28 investigations under this paragraph.

29 Section 2. This act shall take effect January 1, 1999.
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LEGISLATIVE SUMMARY

Extends a prohibition on using funds to retain a lobbyist to judicial branch agencies.

Prohibits use of funds to retain a lobbyist by executive departments, state universities, community colleges, water management districts, or judicial branch agencies.