

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

2

3 **Amendment (with title amendment)**

4 On page 58, between line(s) 4 and 5,
5 insert:

6 Section 10. Subsection (1) of section 11.062, Florida
7 Statutes, is amended, current subsection (2) is redesignated as
8 subsection (3), and a new subsection (2) is added to said
9 section, to read:

10 11.062 Use of public ~~state~~ funds for lobbying prohibited;
11 penalty.--

12 (1) No funds, exclusive of salaries, travel expenses, and
13 per diem, appropriated to, or otherwise available for use by,
14 any executive, judicial, or quasi-judicial department shall be
15 used by any public ~~state~~ employee or other person for lobbying

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16 | purposes, which shall include the cost for publication and
17 | distribution of each publication used in lobbying; other
18 | printing; media; advertising, including production costs;
19 | postage; entertainment; and telephone and telegraph. Any public
20 | state employee of any executive, judicial, or quasi-judicial
21 | department who violates the provisions of this section shall
22 | have deducted from her or his salary the amount of state moneys
23 | spent in violation of this section.

24 | (2) Any lobbyist for any public entity shall disclose to
25 | the Commission on Ethics the dollar amount of the employment or
26 | contract agreement in a statement issued to the commission no
27 | later than July 1 of each year.

28 | Section 11. Section 11.475, Florida Statutes, is created
29 | to read:

30 | 11.475 Campaign activities of registered lobbyists.--

31 | (1) A person who has been an employee or independent
32 | contractor for any political party or individual political
33 | campaign is prohibited from representing another person or
34 | entity before the branch of government by which the person was
35 | employed or contracted to campaign for a period of 2 years after
36 | such employment or contract has ended.

37 | (2) A lobbyist, or partner, firm, employer, or principal
38 | of a lobbyist is prohibited from any in-kind contribution to any
39 | political party or candidate for public office for any travel,
40 | dining, or entertainment, including the use of any facilities
41 | owned, leased, or under the control of the lobbyist, partner,
42 | firm, employer, or principal. This prohibition applies to any

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43 function for which a political party or candidate for public
44 office will inure benefit.

45 (3) A lobbyist is prohibited from personal contributions
46 to any candidate for public office unless the lobbyist is
47 eligible to vote for the candidate or is domiciled in the
48 candidate's district.

49 Section 12. Paragraphs (c) and (d) are added to subsection
50 (2) of section 106.08, Florida Statutes, to read:

51 106.08 Contributions; limitations on.--

52 (2)

53 (c) An elected legislator may not accept or solicit any
54 campaign contribution from any lobbyist, or partner, firm,
55 employer, or principal of a lobbyist, prior to 1 year from the
56 next primary election date; nor may any elected legislator
57 accept or solicit any campaign contribution from any person
58 while during any periods of any legislative session, or during
59 the week of any committee meeting or any other official
60 legislative business.

61 (d) An elected legislator may not accept or solicit any
62 campaign contribution from any lobbyist, or partner, firm,
63 employer, or principal of a lobbyist, for any other public
64 office while serving in the legislature.

65 Section 13. Subsections (2) and (6) and paragraph (a) of
66 subsection (7) of section 112.313, Florida Statutes, are amended
67 to read:

68 112.313 Standards of conduct for public officers,
69 employees of agencies, and local government attorneys.--

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70 (2) SOLICITATION OR ACCEPTANCE OF GIFTS.--No public
71 officer, employee of an agency, local government attorney, or
72 candidate for nomination or election shall solicit or accept
73 anything of value to the recipient, including a gift, loan,
74 reward, promise of future employment, favor, or service for any
75 reason, ~~based upon any understanding that the vote, official~~
76 ~~action, or judgment of the public officer, employee, local~~
77 ~~government attorney, or candidate would be influenced thereby.~~

78 (6) MISUSE OF PUBLIC POSITION.--

79 (a) No public officer, employee of an agency, or local
80 government attorney shall corruptly use or attempt to use his or
81 her official position or any property or resource which may be
82 within his or her trust, or perform his or her official duties,
83 to secure a special privilege, benefit, or exemption for
84 himself, herself, or others. This section shall not be construed
85 to conflict with s. 104.31.

86 (b) No public officer or employee shall recommend to any
87 entity a lobbyist for hire.

88 (c) No public officer shall request from any lobbyist, or
89 partner, firm, employer, or principal of a lobbyist, any funds
90 for any purposes, including, but not limited to, political
91 campaign contributions, charitable causes, or organizations
92 under s. 527 of the United States Internal Revenue Code or its
93 amended equivalent, without reporting each solicitation in a
94 statement to the Commission on Ethics on a quarterly basis each
95 year. The Commission on Ethics shall have the authority to adopt
96 by rule dates and forms to administer this paragraph.

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97 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--

98 (a) No public officer or employee of an agency shall have
99 or hold any employment or contractual relationship with any
100 business entity or any agency which is subject to the regulation
101 of, or is doing business with, an agency of which he or she is
102 an officer or employee, excluding those organizations and their
103 officers who, when acting in their official capacity, enter into
104 or negotiate a collective bargaining contract with the state or
105 any municipality, county, or other political subdivision of the
106 state; nor shall an officer or employee of an agency have or
107 hold any employment or contractual relationship that will create
108 a continuing or frequently recurring conflict between his or her
109 private interests and the performance of his or her public
110 duties or that would impede the full and faithful discharge of
111 his or her public duties. Notwithstanding any exception to the
112 contrary, no legislator shall be employed by any public body
113 that employs a lobbyist whose duties include assisting the
114 agency to secure public dollars.

115 1. When the agency referred to is that certain kind of
116 special tax district created by general or special law and is
117 limited specifically to constructing, maintaining, managing, and
118 financing improvements in the land area over which the agency
119 has jurisdiction, or when the agency has been organized pursuant
120 to chapter 298, then employment with, or entering into a
121 contractual relationship with, such business entity by a public
122 officer or employee of such agency shall not be prohibited by
123 this subsection or be deemed a conflict per se. However, conduct

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124 by such officer or employee that is prohibited by, or otherwise
125 frustrates the intent of, this section shall be deemed a
126 conflict of interest in violation of the standards of conduct
127 set forth by this section.

128 2. When the agency referred to is a legislative body and
129 the regulatory power over the business entity resides in another
130 agency, or when the regulatory power which the legislative body
131 exercises over the business entity or agency is strictly through
132 the enactment of laws or ordinances, then employment or a
133 contractual relationship with such business entity by a public
134 officer or employee of a legislative body shall not be
135 prohibited by this subsection or be deemed a conflict.

136 Section 14. Subsection (4) of section 112.3135, Florida
137 Statutes, is amended to read:

138 112.3135 Restriction on employment of relatives.--

139 (4) Legislators' relatives may be employed as pages or
140 messengers during legislative sessions; however, no legislators'
141 spouse, parent, or child shall work as a lobbyist for any entity
142 during the term of office of the legislator.

143 Section 15. Paragraph (a) of subsection (5) and paragraph
144 (f) of subsection (7) of section 112.3148, Florida Statutes, are
145 amended to read:

146 112.3148 Reporting and prohibited receipt of gifts by
147 individuals filing full or limited public disclosure of
148 financial interests and by procurement employees.--

149 (5)(a) A political committee or a committee of continuous
150 existence, as defined in s. 106.011; a lobbyist who lobbies a

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151 reporting individual's or procurement employee's agency; the
 152 partner, firm, employer, or principal of a lobbyist; or another
 153 on behalf of the lobbyist or partner, firm, principal, or
 154 employer of the lobbyist is prohibited from giving, either
 155 directly or indirectly, any a gift ~~that has a value in excess of~~
 156 ~~\$100~~ to any ~~the~~ reporting individual or procurement employee or
 157 any other person on his or her behalf; however, such person may
 158 give a gift having a value in excess of \$100 to a reporting
 159 individual or procurement employee if the gift is intended to be
 160 transferred to a governmental entity or a charitable
 161 organization.

162 (7)

163 (f) Food and beverages which are not consumed at a single
 164 sitting or meal and which are provided on the same calendar day
 165 shall be considered a single gift, and the total value of all
 166 food and beverages provided on that date shall be considered the
 167 value of the gift. Food and beverage consumed at a single
 168 sitting or meal shall be considered a single gift, and the value
 169 of the food and beverage provided at that sitting or meal shall
 170 be considered the value of the gift. No lobbyist may contribute
 171 to any purchase of food or beverage for any reporting individual
 172 or procurement employee unless the lobbyist is present at the
 173 event for which the food or beverage is consumed.

174
 175 ===== T I T L E A M E N D M E N T =====

176 On page 6, line(s) 5,
 177 remove: all of said line

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179 and insert: amending s. 11.062, F.S.; revising provisions
180 relating to the use of state funds for lobbying; requiring
181 lobbyists to disclose certain information to the Commission on
182 Ethics; creating s. 11.475, F.S.; regulating campaign activities
183 of registered lobbyists; amending s. 106.08, F.S.; revising
184 limitations on campaign contributions to elected legislators;
185 amending s. 112.313, F.S.; revising provisions relating to
186 certain public employees' solicitation or acceptance of gifts,
187 misuse of public position, and conflicting or contractual
188 relationships; amending s. 112.3135, F.S.; revising a
189 restriction on the employment of legislators' relatives;
190 amending s. 112.3148, F.S.; revising a provision relating to the
191 reporting and prohibited receipt of gifts by certain
192 individuals; providing an effective date.

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