



542538

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: WD/2R	.	
03/24/2010 07:02 PM	.	
	.	

Senators Lawson, Siplin, Bullard, and Smith moved the following:

Senate Amendment (with title amendment)

Delete lines 1586 - 1655

and insert:

Section 27. Paragraph (d) of subsection (1) and subsection (4) of section 11.045, Florida Statutes, are amended to read:

11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term



542538

14 "expenditure" does not include contributions or expenditures
15 reported pursuant to chapter 106 or federal election law,
16 campaign-related personal services provided without compensation
17 by individuals volunteering their time, any other contribution
18 or expenditure made by or to a political party or affiliated
19 party committee, or any other contribution or expenditure made
20 by an organization that is exempt from taxation under 26 U.S.C.
21 s. 527 or s. 501(c)(4).

22 ~~(4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any~~
23 ~~other provision of law to the contrary, no lobbyist or principal~~
24 ~~shall make, directly or indirectly, and no member or employee of~~
25 ~~the Legislature shall knowingly accept, directly or indirectly,~~
26 ~~any expenditure, except floral arrangements or other celebratory~~
27 ~~items given to legislators and displayed in chambers the opening~~
28 ~~day of a regular session.~~

29 ~~(b)~~ No person shall provide compensation for lobbying to
30 any individual or business entity that is not a lobbying firm.

31 Section 28. Paragraph (b) of subsection (12) of section
32 112.312, Florida Statutes, is amended to read:

33 112.312 Definitions.—As used in this part and for purposes
34 of the provisions of s. 8, Art. II of the State Constitution,
35 unless the context otherwise requires:

36 (12)

37 (b) "Gift" does not include:

38 1. Salary, benefits, services, fees, commissions, gifts, or
39 expenses associated primarily with the donee's employment,
40 business, or service as an officer or director of a corporation
41 or organization.

42 2. Contributions or expenditures reported pursuant to



542538

43 chapter 106, campaign-related personal services provided without
44 compensation by individuals volunteering their time, or any
45 other contribution or expenditure by a political party or
46 affiliated party committee.

47 3. An honorarium or an expense related to an honorarium
48 event paid to a person or the person's spouse.

49 4. An award, plaque, certificate, or similar personalized
50 item given in recognition of the donee's public, civic,
51 charitable, or professional service.

52 5. An honorary membership in a service or fraternal
53 organization presented merely as a courtesy by such
54 organization.

55 6. The use of a public facility or public property, made
56 available by a governmental agency, for a public purpose.

57 7. Transportation provided to a public officer or employee
58 by an agency in relation to officially approved governmental
59 business.

60 8. Gifts provided directly or indirectly by a state,
61 regional, or national organization which promotes the exchange
62 of ideas between, or the professional development of,
63 governmental officials or employees, and whose membership is
64 primarily composed of elected or appointed public officials or
65 staff, to members of that organization or officials or staff of
66 a governmental agency that is a member of that organization.

67 Section 29. Paragraph (d) of subsection (1) and subsection
68 (6) of section 112.3215, Florida Statutes, are amended to read:

69 112.3215 Lobbying before the executive branch or the
70 Constitution Revision Commission; registration and reporting;
71 investigation by commission.-



542538

72 (1) For the purposes of this section:

73 (d) "Expenditure" means a payment, distribution, loan,
74 advance, reimbursement, deposit, or anything of value made by a
75 lobbyist or principal for the purpose of lobbying. The term
76 "expenditure" does not include contributions or expenditures
77 reported pursuant to chapter 106 or federal election law,
78 campaign-related personal services provided without compensation
79 by individuals volunteering their time, any other contribution
80 or expenditure made by or to a political party or an affiliated
81 party committee, or any other contribution or expenditure made
82 by an organization that is exempt from taxation under 26 U.S.C.
83 s. 527 or s. 501(c) (4).

84 ~~(6) (a) Notwithstanding s. 112.3148, s. 112.3149, or any~~
85 ~~other provision of law to the contrary, no lobbyist or principal~~
86 ~~shall make, directly or indirectly, and no agency official,~~
87 ~~member, or employee shall knowingly accept, directly or~~
88 ~~indirectly, any expenditure.~~

89 ~~(b)~~ No person shall provide compensation for lobbying to
90 any individual or business entity that is not a lobbying firm.

91 Section 30. Paragraph (b) of subsection (5) of section
92 112.3148, Florida Statutes, is amended to read:

93 112.3148 Reporting and prohibited receipt of gifts by
94 individuals filing full or limited public disclosure of
95 financial interests and by procurement employees.—

96 (5)

97 (b) However, a person who is regulated by this subsection,
98 who is not regulated by subsection (6), and who makes, or
99 directs another to make, an individual gift having a value in
100 excess of \$5 ~~\$25~~, but not in excess of \$100, other than a gift



542538

101 which the donor knows will be accepted on behalf of a
102 governmental entity or charitable organization, must file a
103 report on the last day of each calendar quarter, for the
104 previous calendar quarter in which a reportable gift is made.
105 The report shall be filed with the Commission on Ethics, except
106 with respect to gifts to reporting individuals of the
107 legislative branch, in which case the report shall be filed with
108 the Division of Legislative Information Services in the Office
109 of Legislative Services. The report must contain a description
110 of each gift, the monetary value thereof, the name and address
111 of the person making such gift, the name and address of the
112 recipient of the gift, and the date such gift is given. In
113 addition, when a gift is made which requires the filing of a
114 report under this subsection, the donor must notify the intended
115 recipient at the time the gift is made that the donor, or
116 another on his or her behalf, will report the gift under this
117 subsection. Under this paragraph, a gift need not be reported by
118 more than one person or entity.

119
120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete lines 107 - 126

123 and insert:

124 "expenditure"; deleting a provision prohibiting a
125 lobbyist or principal from giving or a member of the
126 Legislature or a legislative employee from accepting
127 certain expenditures; amending s. 112.312, F.S.;

128 providing that certain activities pertaining to an
129 affiliated party committee are excluded from the



542538

130 definition of the term "gift"; removing provisions
131 relating to amending s. 112.3215, F.S., relating to
132 lobbying before the executive branch or the
133 Constitution Revision Commission; excluding
134 contributions and expenditures by an affiliated party
135 committee from the definition of the term
136 "expenditure"; deleting a provision prohibiting a
137 lobbyist or principal from giving or a member of the
138 Legislature or a legislative employee from accepting
139 certain expenditures; reenacting ss. 106.011(1)(b),
140 (3), (4), (18), and (19), 106.022(1), 106.03(1)(b),
141 106.04(5), 106.0703, 106.0705(2)(b), 106.071(1),
142 106.08(7), 106.1437, 106.1439, and 106.17, F.S.,
143 relating to definitions, registered office and agent
144 requirements, registration requirements, prohibited
145 activities for committees of continuous existence,
146 additional reporting requirements, electronic filing
147 requirements, expenditure reports, penalties for
148 violations pertaining to limitations on contributions,
149 miscellaneous advertisements, electioneering
150 communications disclaimers and penalties for failure
151 to include disclaimers, and polls and surveys
152 pertaining to candidacies, to cure and conform;
153 amending s. 112.3148, F.S.; revising provisions
154 relating to the reporting and prohibited receipt of
155 gifts by individuals filing full or limited public
156 disclosure of financial interests and by procurement
157 employees; providing