

By Senator Jones

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1 A bill to be entitled
2 An act relating to legislative lobbying expenditures;
3 amending s. 11.045, F.S.; redefining the term
4 "expenditure"; specifying that the term "expenditure"
5 does not include the salary, benefits, services, fees,
6 commissions, gifts, or expenses associated primarily
7 with the recipient's employment, business, or service;
8 specifying that the term does not include awards or
9 certificates given in recognition of the recipient's
10 public, civic, charitable, or professional service;
11 specifying that the term does not include honorary
12 membership in a service or fraternal organization
13 presented merely as a courtesy by such organization,
14 transportation provided to a member or employee by an
15 agency in relation to officially approved governmental
16 business, or expenditures provided directly or
17 indirectly by a state, regional, or national
18 organization that promotes the exchange of ideas
19 between, or the professional development of, members
20 or employees, and whose membership is primarily
21 composed of elected or appointed public officials or
22 staff; defining the term "relative"; prohibiting a
23 member or employee of the Legislature from soliciting
24 or accepting an expenditure from a lobbyist or
25 principal when the expenditure is for the personal
26 benefit of the member, an employee, or others;
27 establishing new expenditure limitations; creating
28 exceptions for legitimate expenditures made in
29 connection with the member's public office or the

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30 employee's public employment or for an expenditure
31 from a relative; requiring each legislative member or
32 employee receiving certain expenditures to file
33 quarterly expenditure statements with the committee
34 charged with the responsibility for ethical conduct of
35 lobbyists; prescribing the contents of the quarterly
36 report; authorizing additional reporting requirements
37 by legislative rule; providing criteria for the
38 valuation of expenditures; amending ss. 112.3148 and
39 112.3149, F.S.; revising provisions to conform to
40 changes made by the act; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

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44 Section 1. Paragraph (d) of subsection (1) and subsection
45 (4) of section 11.045, Florida Statutes, are amended, and
46 paragraph (j) is added to subsection (1) of that section, to
47 read:

48 11.045 Lobbying before the Legislature; registration and
49 reporting; exemptions; penalties.—

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

52 (d) "Expenditure" means a payment, distribution, loan,
53 advance, reimbursement, deposit, or anything of value made by a
54 lobbyist or principal for the purpose of lobbying for which
55 equal or greater consideration is not given within 90 days. The
56 term "expenditure" does not include:

57 1. Contributions or expenditures reported pursuant to
58 chapter 106 or federal election law, campaign-related personal

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59 services provided without compensation by individuals
60 volunteering their time, any other contribution or expenditure
61 made by or to a political party, or any other contribution or
62 expenditure made by an organization that is exempt from taxation
63 under 26 U.S.C. s. 527 or s. 501(c) (4).

64 2. Salary, benefits, services, fees, commissions, gifts, or
65 expenses associated primarily with the recipient's employment,
66 business, or service as an officer or director of a corporation
67 or organization.

68 3. An award, plaque, certificate, or similar personalized
69 item given in recognition of the recipient's public, civic,
70 charitable, or professional service.

71 4. An honorary membership in a service or fraternal
72 organization presented merely as a courtesy by such
73 organization.

74 5. The use of a public facility or public property, made
75 available by a governmental agency, for a public purpose.

76 6. Transportation provided to a member or employee by an
77 agency in relation to officially approved governmental business.

78 7. Expenditures provided directly or indirectly by a state,
79 regional, or national organization that promotes the exchange of
80 ideas between, or the professional development of, members or
81 employees, and whose membership is primarily composed of elected
82 or appointed public officials or staff, to members of that
83 organization or officials or staff of a governmental agency that
84 is a member of that organization.

85 (j) "Relative" means an individual who is related to a
86 member or employee of the Legislature as father, mother, son,
87 daughter, brother, sister, uncle, aunt, first cousin, nephew,

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88 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
89 daughter-in-law, brother-in-law, sister-in-law, stepfather,
90 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
91 brother, half sister, grandparent, great grandparent,
92 grandchild, great grandchild, step grandparent, step great
93 grandparent, step grandchild, step great grandchild, person who
94 is engaged to be married to the member or employee or who
95 otherwise holds himself or herself out as or is generally known
96 as the person whom the member or employee intends to marry or
97 with whom the member or employee intends to form a household, or
98 any other natural person having the same legal residence as the
99 member or employee.

100 (4) (a) A member or employee of the Legislature may not
101 solicit an expenditure from a lobbyist or principal if such
102 expenditure is for the personal benefit of the member or
103 employee, another member or employee, or the member's or
104 employee's relative.

105 (b) (a) ~~A Notwithstanding s. 112.3148, s. 112.3149, or any~~
106 ~~other provision of law to the contrary, no lobbyist or principal~~
107 ~~may not shall~~ make, directly or indirectly, and ~~a~~ a ~~no~~ member or
108 employee of the Legislature may not shall knowingly accept,
109 directly or indirectly, any honorarium, as defined in s.
110 112.3149(1), or any expenditure in excess of \$100, except:
111 ~~floral arrangements or other celebratory items given to~~
112 ~~legislators and displayed in chambers the opening day of a~~
113 ~~regular session.~~

114 1. A legitimate expenditure in connection with the member's
115 public office or employee's public employment if the member or
116 employee obtains prior written approval from the President of

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117 the Senate or the Speaker of the House of Representatives, as
118 appropriate; or

119 2. An expenditure from a relative.

120 (c)1. Each member or employee shall file a statement with
121 the committee by the end of each calendar quarter, for the
122 previous calendar quarter, containing a list of expenditures
123 accepted by the member or employee from a lobbyist or principal
124 which the member or employee believes to be in excess of \$25 in
125 value and for which compensation was not provided by the member
126 or employee to the lobbyist or principal within 90 days after
127 receipt of the expenditure to reduce the value to \$25 or less.

128 2. This quarterly statement need not include any
129 expenditure from a relative.

130 3. The quarterly statement must include:

131 a. A description of the expenditure, the monetary value of
132 the expenditure, the name and address of the lobbyist or
133 principal making the expenditure, and the dates thereof. If any
134 of these facts, other than the expenditure description and
135 purpose, are unknown or not applicable, the report shall so
136 state.

137 b. A copy of any receipt for such expenditure provided to
138 the member or employee by the lobbyist or principal, if
139 provided.

140 4. The quarterly statement may include an explanation of
141 any differences between the member's or employee's statement and
142 the receipt provided by the donor.

143 5. If a member or employee has not received any expenditure
144 described in subparagraph 1. during a calendar quarter, he or
145 she is not required to file a statement under this subsection

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146 for that calendar quarter.

147 6. Except as otherwise provided in this subsection,
148 statements shall be filed in accordance with the rules of the
149 member's or employee's respective house of the Legislature.

150 (d) Expenditures made pursuant to this subsection shall be
151 valued as gifts as provided in s. 112.3148(7). However, the
152 value of an expenditure received from multiple lobbyists and
153 principals is the total amount of the expenditure, not a pro
154 rata share of the expenditure.

155 (e) ~~(b)~~ A No person may not shall provide compensation for
156 lobbying to any individual or business entity that is not a
157 lobbying firm.

158 Section 2. Paragraph (d) of subsection (2) and subsection
159 (8) of section 112.3148, Florida Statutes, are amended to read:

160 112.3148 Reporting and prohibited receipt of gifts by
161 individuals filing full or limited public disclosure of
162 financial interests and by procurement employees.—

163 (2) As used in this section:

164 (d) "Reporting individual" means any individual other than
165 a member or employee of the Legislature, including a candidate
166 upon qualifying, who is required by law, pursuant to s. 8, Art.
167 II of the State Constitution or s. 112.3145, to file full or
168 limited public disclosure of his or her financial interests or
169 any individual who has been elected to, but has yet to
170 officially assume the responsibilities of, public office. For
171 purposes of implementing this section, the "agency" of a
172 reporting individual who is not an officer or employee in public
173 service is the agency to which the candidate seeks election, or
174 in the case of an individual elected to but yet to formally take

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175 office, the agency in which the individual has been elected to
176 serve.

177 (8) (a) Each reporting individual, member or employee of the
178 Legislature, or procurement employee shall file a statement with
179 the Commission on Ethics not later than the last day of each
180 calendar quarter, for the previous calendar quarter, containing
181 a list of gifts that ~~which~~ he or she believes to be in excess of
182 \$100 in value, if any, accepted by him or her, for which
183 compensation was not provided by the donee to the donor within
184 90 days of receipt of the gift to reduce the value to \$100 or
185 less, except the following:

- 186 1. Gifts from relatives.
- 187 2. Gifts prohibited by subsection (4) or s. 112.313(4).
- 188 3. Items reportable pursuant to s. 11.045(4).
- 189 ~~4.3.~~ Gifts otherwise required to be disclosed by this
190 section.

191 (b) The statement shall include:

- 192 1. A description of the gift, the monetary value of the
193 gift, the name and address of the person making the gift, and
194 the dates thereof. If any of these facts, other than the gift
195 description, are unknown or not applicable, the report shall so
196 state.

- 197 2. A copy of any receipt for such gift provided to the
198 reporting individual or procurement employee by the donor.

199 (c) The statement may include an explanation of any
200 differences between the reporting individual's or procurement
201 employee's statement and the receipt provided by the donor.

202 (d) The reporting individual's or procurement employee's
203 statement shall be sworn to by such person as being a true,

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204 accurate, and total listing of all such gifts.

205 (e) Statements must be filed not later than 5 p.m. of the
206 due date. However, any statement that is postmarked by the
207 United States Postal Service by midnight of the due date is
208 deemed to have been filed in a timely manner, and a certificate
209 of mailing obtained from and dated by the United States Postal
210 Service at the time of the mailing, or a receipt from an
211 established courier company, ~~7~~ which bears a date on or before the
212 due date, 7 constitutes proof of mailing in a timely manner.

213 (f) If a reporting individual or procurement employee has
214 not received any gifts described in paragraph (a) during a
215 calendar quarter, he or she is not required to file a statement
216 under this subsection for that calendar quarter.

217 Section 3. Paragraph (c) of subsection (1) of section
218 112.3149, Florida Statutes, is amended to read:

219 112.3149 Solicitation and disclosure of honoraria.—

220 (1) As used in this section:

221 (c) "Reporting individual" means any individual, other than
222 a member or employee of the Legislature, who is required by law,
223 pursuant to s. 8, Art. II of the State Constitution or s.
224 112.3145, to file a full or limited public disclosure of his or
225 her financial interests.

226 Section 4. This act shall take effect July 1, 2011.