

By Senator Jones

13-00833-12

20121818

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          specifying that the term does not include the use of a  
15          public facility or public property, made available by  
16          a governmental agency, for a public purpose;  
17          specifying that the term does not include  
18          transportation provided to a member or employee by an  
19          agency in relation to officially approved governmental  
20          business, or expenditures provided directly or  
21          indirectly by a state, regional, or national  
22          organization that promotes the exchange of ideas  
23          between, or the professional development of, members  
24          or employees, and whose membership is primarily  
25          composed of elected or appointed public officials or  
26          staff; defining the term "relative"; prohibiting a  
27          member or employee of the Legislature from soliciting  
28          or accepting an expenditure from a lobbyist or  
29          principal when the expenditure is for the personal

13-00833-12

20121818

30 benefit of the member or employee, another member or  
31 employee, or a relative; establishing new expenditure  
32 limitations; creating exceptions to the prohibition of  
33 honorarium or certain expenditures in connection with  
34 a legislative member or employee; requiring that each  
35 legislative member or employee receiving certain  
36 expenditures file quarterly expenditure statements  
37 with the committee charged with the responsibility for  
38 ethical conduct of lobbyists; prescribing the contents  
39 of the quarterly report; authorizing additional  
40 reporting requirements by legislative rule; providing  
41 criteria for the valuation of expenditures; amending  
42 ss. 112.3148 and 112.3149, F.S.; revising provisions  
43 to conform to changes made by the act; providing an  
44 effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Paragraph (d) of subsection (1) and subsection  
49 (4) of section 11.045, Florida Statutes, are amended, and  
50 paragraph (j) is added to subsection (1) of that section, to  
51 read:

52 11.045 Lobbying before the Legislature; registration and  
53 reporting; exemptions; penalties.—

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

56 (d) "Expenditure" means a payment, distribution, loan,  
57 advance, reimbursement, deposit, or anything of value made by a  
58 lobbyist or principal for the purpose of lobbying for which

13-00833-12

20121818

59 compensation of equal or greater value is not given in return  
60 within 90 days after receipt. The term "expenditure" does not  
61 include:

62 1. Contributions or expenditures reported pursuant to  
63 chapter 106 or federal election law, campaign-related personal  
64 services provided without compensation by individuals  
65 volunteering their time, any other contribution or expenditure  
66 made by or to a political party or affiliated party committee,  
67 or any other contribution or expenditure made by an organization  
68 that is exempt from taxation under 26 U.S.C. s. 527 or s.  
69 501(c) (4).

70 2. Salary, benefits, services, fees, commissions, gifts, or  
71 expenses associated primarily with the recipient's employment,  
72 business, or service as an officer or director of a corporation  
73 or organization.

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

77 4. An honorary membership in a service or fraternal  
78 organization presented merely as a courtesy by such  
79 organization.

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

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

84 7. Expenditures provided directly or indirectly by a state,  
85 regional, or national organization that promotes the exchange of  
86 ideas between, or the professional development of, members or  
87 employees, and whose membership is primarily composed of elected

13-00833-12

20121818

88 or appointed public officials or staff, to members of that  
89 organization or officials or staff of a governmental agency that  
90 is a member of that organization.

91 (j) "Relative" means an individual who is related to a  
92 member or employee of the Legislature as father, mother, son,  
93 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
94 niece, husband, wife, father-in-law, mother-in-law, son-in-law,  
95 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
96 stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
97 brother, half sister, grandparent, great grandparent,  
98 grandchild, great grandchild, step grandparent, step great  
99 grandparent, step grandchild, step great grandchild, person who  
100 is engaged to be married to the member or employee or who  
101 otherwise holds himself or herself out as or is generally known  
102 as the person whom the member or employee intends to marry or  
103 with whom the member or employee intends to form a household, or  
104 any other natural person having the same legal residence as the  
105 member or employee.

106 (4) (a) A member or employee of the Legislature may not  
107 solicit an expenditure from a lobbyist or principal if the  
108 expenditure is for the personal benefit of the member or  
109 employee, another member or employee, or the member's or  
110 employee's relative.

111 (b) ~~(a)~~ A Notwithstanding s. 112.3148, s. 112.3149, or any  
112 other provision of law to the contrary, no lobbyist or principal  
113 may not ~~shall~~ make, directly or indirectly, and a ~~no~~ member or  
114 employee of the Legislature may not ~~shall~~ knowingly accept,  
115 directly or indirectly, any honorarium, as defined in s.  
116 112.3149(1), or any expenditure in excess of \$100, except:

13-00833-12

20121818

117 ~~floral arrangements or other celebratory items given to~~  
118 ~~legislators and displayed in chambers the opening day of a~~  
119 ~~regular session.~~

120 1. A legitimate expenditure in connection with the member's  
121 public office or employee's public employment if the member or  
122 employee obtains prior written approval from the President of  
123 the Senate or the Speaker of the House of Representatives, as  
124 appropriate; or

125 2. An expenditure from a relative.

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

134 2. This quarterly statement need not include any  
135 expenditure from a relative.

136 3. The quarterly statement must include:

137 a. A description of the expenditure, the monetary value of  
138 the expenditure, the name and address of the lobbyist or  
139 principal making the expenditure, and the date thereof. If any  
140 of these facts, other than the expenditure description and  
141 purpose, are unknown or not applicable, the report shall so  
142 state.

143 b. A copy of any receipt for the expenditure provided to  
144 the member or employee by the lobbyist or principal, if  
145 provided.

13-00833-12

20121818

146 4. The quarterly statement may include an explanation of  
147 any difference between the member's or employee's statement and  
148 the receipt provided by the donor.

149 5. If a member or employee has not received any expenditure  
150 described in subparagraph 1. during a calendar quarter, he or  
151 she is not required to file a statement under this subsection  
152 for that calendar quarter.

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

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

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

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

166 112.3148 Reporting and prohibited receipt of gifts by  
167 individuals filing full or limited public disclosure of  
168 financial interests and by procurement employees.—

169 (2) As used in this section:

170 (d) "Reporting individual" means any individual other than  
171 a member or employee of the Legislature, including a candidate  
172 upon qualifying, who is required by law, pursuant to s. 8, Art.  
173 II of the State Constitution or s. 112.3145, to file full or  
174 limited public disclosure of his or her financial interests or

13-00833-12

20121818

175 any individual who has been elected to, but has yet to  
176 officially assume the responsibilities of, public office. For  
177 purposes of implementing this section, the "agency" of a  
178 reporting individual who is not an officer or employee in public  
179 service is the agency to which the candidate seeks election, or  
180 in the case of an individual elected to but yet to formally take  
181 office, the agency in which the individual has been elected to  
182 serve.

183 (8) (a) Each reporting individual, member or employee of the  
184 Legislature, or procurement employee shall file a statement with  
185 the Commission on Ethics not later than the last day of each  
186 calendar quarter, for the previous calendar quarter, containing  
187 a list of gifts that ~~which~~ he or she believes to be in excess of  
188 \$100 in value, if any, accepted by him or her, for which  
189 compensation was not provided by the donee to the donor within  
190 90 days of receipt of the gift to reduce the value to \$100 or  
191 less, except the following:

- 192 1. Gifts from relatives.
- 193 2. Gifts prohibited by subsection (4) or s. 112.313(4).
- 194 3. Items reportable pursuant to s. 11.045(4).
- 195 ~~4.3.~~ Gifts otherwise required to be disclosed by this  
196 section.

197 (b) The statement must ~~shall~~ include:

- 198 1. A description of the gift, the monetary value of the  
199 gift, the name and address of the person making the gift, and  
200 the date ~~dates~~ thereof. If any of these facts, other than the  
201 gift description, are unknown or not applicable, the report  
202 shall so state.
- 203 2. A copy of any receipt for such gift provided to the

13-00833-12

20121818

204 reporting individual or procurement employee by the donor.

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

208 (d) The reporting individual's or procurement employee's  
209 statement shall be sworn to by such person as being a true,  
210 accurate, and total listing of all such gifts.

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

219 (f) If a reporting individual or procurement employee has  
220 not received any gift ~~gifts~~ described in paragraph (a) during a  
221 calendar quarter, he or she is not required to file a statement  
222 under this subsection for that calendar quarter.

223 Section 3. Paragraph (c) of subsection (1) of section  
224 112.3149, Florida Statutes, is amended to read:

225 112.3149 Solicitation and disclosure of honoraria.—

226 (1) As used in this section:

227 (c) "Reporting individual" means any individual, other than  
228 a member or employee of the Legislature, who is required by law,  
229 pursuant to s. 8, Art. II of the State Constitution or s.  
230 112.3145, to file a full or limited public disclosure of his or  
231 her financial interests.

232 Section 4. This act shall take effect July 1, 2012.