



279702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (4) through (8) of section 11.045, Florida Statutes, are reenacted and amended to read:

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

(4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any other ~~provision of~~ law to the contrary, no lobbyist or principal may ~~shall~~ make, directly or indirectly, and no member or employee of the Legislature may ~~shall~~ knowingly accept, directly



279702

13 or indirectly, any expenditure, except for the following:

14 1. Floral arrangements or other celebratory items given to
15 legislators and displayed in chambers the opening day of a
16 regular session.

17 2. Individual servings of nonalcoholic beverages provided
18 by a lobbyist or a principal as a courtesy to the attendees of a
19 meeting.

20 3. A member or employee of the Legislature, who attends a
21 scheduled meeting of an established membership organization,
22 which is also a principal, as a featured speaker, moderator, or
23 participant and provides a speech, address, oration, or other
24 oral presentation, may accept a meal, beverage, or event or
25 meeting registration fee. Such meal, beverage, and event or
26 meeting registration fee are expenses related to an honorarium
27 event under s. 112.3149.

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

31 (c) A member or employee of the Legislature who attends a
32 meeting and accepts a meal, beverage, or event or meeting
33 registration fee as permitted in subparagraph (a)3., is required
34 to file a report with the Secretary of the Senate or the Clerk
35 of the House of Representatives no later than 15 days after
36 attending the meeting. The report must contain, at a minimum,
37 the date of the event, the name of the organization hosting the
38 event, the topic or topics about which the member or employee
39 spoke, and the value of the meal accepted. Each house of the
40 Legislature shall establish by rule procedures for such
41 reporting and for the publication of such reports on its



279702

42 website. Reports required to be filed by this subsection satisfy
43 the disclosure requirements in s. 112.3149(6).

44 (5) Each house of the Legislature shall provide by rule a
45 procedure by which a person, when in doubt about the
46 applicability and interpretation of this section in a particular
47 context, may submit in writing the facts for an advisory opinion
48 to the committee of either house and may appear in person before
49 the committee. The rule shall provide a procedure by which:

50 (a) The committee shall render advisory opinions to any
51 person who seeks advice as to whether the facts in a particular
52 case would constitute a violation of this section.

53 (b) The committee shall make sufficient deletions to
54 prevent disclosing the identity of persons in the decisions or
55 opinions.

56 (c) All advisory opinions of the committee shall be
57 numbered, dated, and open to public inspection.

58 (6) Each house of the Legislature shall provide by rule for
59 keeping all advisory opinions of the committees relating to
60 lobbying firms, lobbyists, and lobbying activities. The rule
61 shall also provide that each house keep a current list of
62 registered lobbyists along with reports required of lobbying
63 firms under this section, all of which shall be open for public
64 inspection.

65 (7) Each house of the Legislature shall provide by rule
66 that a committee of either house investigate any person upon
67 receipt of a sworn complaint alleging a violation of this
68 section, s. 112.3148, or s. 112.3149 by such person; also, the
69 rule shall provide that a committee of either house investigate
70 any lobbying firm upon receipt of audit information indicating a



279702

71 possible violation other than a late-filed report. Such
72 proceedings shall be conducted pursuant to the rules of the
73 respective houses. If the committee finds that there has been a
74 violation of this section, s. 112.3148, or s. 112.3149, it shall
75 report its findings to the President of the Senate or the
76 Speaker of the House of Representatives, as appropriate,
77 together with a recommended penalty, to include a fine of not
78 more than \$5,000, reprimand, censure, probation, or prohibition
79 from lobbying for a period of time not to exceed 24 months. Upon
80 the receipt of such report, the President of the Senate or the
81 Speaker of the House of Representatives shall cause the
82 committee report and recommendations to be brought before the
83 respective house and a final determination shall be made by a
84 majority of said house.

85 (8) Any person required to be registered or to provide
86 information pursuant to this section or pursuant to rules
87 established in conformity with this section who knowingly fails
88 to disclose any material fact required by this section or by
89 rules established in conformity with this section, or who
90 knowingly provides false information on any report required by
91 this section or by rules established in conformity with this
92 section, commits a noncriminal infraction, punishable by a fine
93 not to exceed \$5,000. Such penalty shall be in addition to any
94 other penalty assessed by a house of the Legislature pursuant to
95 subsection (7).

96 Section 2. The amendment to s. 11.045(4), Florida Statutes,
97 shall expire June 30, 2015, and the text of that subsection
98 shall revert to that in existence on April 7, 2012, except that
99 any amendments to such text enacted other than by this act shall



279702

100 be preserved and continue to operate to the extent that such
101 amendments are not dependent upon portions of text which expire
102 pursuant to this section.

103 Section 3. This act shall take effect July 1, 2013.

104

105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete everything before the enacting clause

108 and insert:

109 A bill to be entitled

110 An act relating to legislative lobbying expenditures;
111 reenacting and amending s. 11.045, F.S., relating to
112 lobbying before the Legislature; providing exceptions
113 when a member or an employee of the Legislature may
114 accept certain expenditures made by a lobbyist or a
115 principal; providing for the future expiration and the
116 reversion as of a specified date of statutory text;
117 providing an effective date.