

By Senator Lee

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1 A bill to be entitled
2 An act relating to legislative lobbying expenditures;
3 reenacting and amending s. 11.045, F.S.; providing
4 exceptions when a member or an employee of the
5 Legislature may accept certain expenditures made by a
6 lobbyist or a principal; requiring each house of the
7 Legislature to adopt rules providing for event
8 approval and registration; establishing reporting
9 requirements for members and employees of the
10 Legislature; requiring each house of the Legislature
11 to provide by rule for the registration of events;
12 authorizing each house to establish rules for the
13 payment or exemption from the payment of registration
14 fees; providing that attendance reporting satisfies
15 other filing requirements; providing a member or
16 employee of the Legislature with a complete defense in
17 certain complaints if specified requirements are met;
18 defining the term "widely attended event"; requiring
19 that any event registration fees collected be
20 deposited into the Legislative Lobbyist Registration
21 Trust Fund; providing for the future expiration and
22 the reversion as of a specified date of statutory
23 text; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsections (4) through (9) of section 11.045,
28 Florida Statutes, are reenacted and amended to read:

29 11.045 Lobbying before the Legislature; registration and

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30 reporting; event registration; exemptions; penalties.-

31 (4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any
32 other ~~provision of law to the contrary~~, no lobbyist or principal
33 ~~may shall~~ make, directly or indirectly, and no member or
34 employee of the Legislature may shall knowingly accept, directly
35 or indirectly, any expenditure, except for the following:

36 1. Floral arrangements or other celebratory items given to
37 legislators and displayed in chambers the opening day of a
38 regular session.

39 2. Individual servings of nonalcoholic beverages provided
40 by a lobbyist or a principal as a courtesy to the attendees of a
41 meeting.

42 3. A single meal that is not solicited by the member or
43 employee of the Legislature, that is served as a part of a
44 scheduled meeting of an established membership organization that
45 is also a principal, and that is attended by the member or
46 employee of the Legislature as a featured speaker, moderator, or
47 participant of a panel discussion, provided that the member or
48 employee files a report recording his or her attendance with the
49 Secretary of the Senate or the Clerk of the House of
50 Representatives within 72 hours after attending the meeting.

51 4. Food and beverages provided as part of a widely attended
52 event hosted by a membership organization or governmental body
53 that is also a principal if:

54 a. The event is registered at least 8 days before the
55 event;

56 b. The estimated cost per attendee, including food,
57 beverages, entertainment, location, and related expenses, does
58 not exceed \$25;

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59 c. The event is held at a location accessible to the media,
60 the host of the event has affirmed that the media are not
61 excluded from the event, and members of the media may attend the
62 event at no charge;

63 d. The member or employee of the Legislature files a report
64 recording his or her attendance at such event with the Secretary
65 of the Senate or the Clerk of the House of Representatives
66 within 72 hours after attending the event; and

67 e. The invitation extended to the member or employee for
68 the event is not directly or indirectly solicited by the member
69 or employee.

70 (b) A ~~No~~ person may not ~~shall~~ provide compensation for
71 lobbying to any individual or business entity that is not a
72 lobbying firm.

73 (c) Each house of the Legislature shall provide by rule, or
74 may provide by a joint rule adopted by both houses, for the
75 registration of an event as described in subparagraph (a)4. The
76 rule must establish a process for event approval, including the
77 posting of a list of approved events on each house's website at
78 least 48 hours before the event occurs, and may provide for the
79 registration and payment of a registration fee, or an exemption
80 from the registration and registration fee, for such event. A
81 group that wishes to register an event must provide, at a
82 minimum, the following information:

83 1. Identification of the hosting membership organization or
84 governmental body.

85 2. The date of the event.

86 3. The location of the event.

87 4. An estimate of the total number of invitees expected to

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88 attend and an estimate of the total number of qualifying
89 attendees to establish the event as a widely attended event.

90 5. A list of members and employees of the Legislature
91 invited to the event.

92 6. A description of the industry or profession represented
93 by the attendees of the event or the range of persons interested
94 in the given issue presented at the event.

95 7. A good faith estimate of the cost of the event per
96 attendee, including food, beverages, entertainment, location,
97 and related expenses.

98 (d) A member or employee of the Legislature who attends a
99 meeting or a widely attended event described in paragraph (a)
100 which is approved in accordance with the process adopted by rule
101 of the member's or employee's respective house, is required to
102 report his or her attendance at the meeting or event to the
103 Secretary of the Senate or the Clerk of the House of
104 Representatives within 72 hours after attending the meeting or
105 event. Each house of the Legislature shall establish by rule
106 procedures for attendance reporting by members and employees at
107 meetings and events as described in paragraph (a) and for the
108 publication on a website. A member or employee of the
109 Legislature shall satisfy the filing requirements of ss.
110 112.3148 and 112.3149 by filing a report in accordance with this
111 subsection. If an event has been approved and noticed and the
112 member or employee's attendance has been reported in accordance
113 with this subsection and established rules, those combined
114 actions constitute an absolute defense for the member or
115 employee in response to a complaint alleging a violation of this
116 subsection, s. 112.3148, or s. 112.3149.

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118 As used in this subsection, the term "widely attended event"
119 means an event that is reasonably expected to be attended by at
120 least 25 persons other than members and employees of the
121 Legislature. Attendance at such event must be open to persons
122 from throughout a given industry or profession, or to a wide
123 range of persons interested in a given issue presented at the
124 event. Officials and employees from branches or levels of
125 government other than the Legislature may count toward the
126 required minimum of 25 attendees, but relatives of a member or
127 employee of the Legislature as defined in s. 112.312 and guests
128 who accompany a member or employee of the Legislature do not
129 count toward the minimum attendance requirement.

130 (5) Each house of the Legislature shall provide by rule a
131 procedure by which a person, when in doubt about the
132 applicability and interpretation of this section in a particular
133 context, may submit in writing the facts for an advisory opinion
134 to the committee of either house and may appear in person before
135 the committee. The rule shall provide a procedure by which:

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

139 (b) The committee shall make sufficient deletions to
140 prevent disclosing the identity of persons in the decisions or
141 opinions.

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

144 (6) Each house of the Legislature shall provide by rule for
145 keeping all advisory opinions of the committees relating to

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146 lobbying firms, lobbyists, and lobbying activities. The rule
147 shall also provide that each house keep a current list of
148 registered lobbyists along with reports required of lobbying
149 firms under this section, all of which shall be open for public
150 inspection.

151 (7) Each house of the Legislature shall provide by rule
152 that a committee of either house investigate any person upon
153 receipt of a sworn complaint alleging a violation of this
154 section, s. 112.3148, or s. 112.3149 by such person; also, the
155 rule shall provide that a committee of either house investigate
156 any lobbying firm upon receipt of audit information indicating a
157 possible violation other than a late-filed report. Such
158 proceedings shall be conducted pursuant to the rules of the
159 respective houses. If the committee finds that there has been a
160 violation of this section, s. 112.3148, or s. 112.3149, it shall
161 report its findings to the President of the Senate or the
162 Speaker of the House of Representatives, as appropriate,
163 together with a recommended penalty, to include a fine of not
164 more than \$5,000, reprimand, censure, probation, or prohibition
165 from lobbying for a period of time not to exceed 24 months. Upon
166 the receipt of such report, the President of the Senate or the
167 Speaker of the House of Representatives shall cause the
168 committee report and recommendations to be brought before the
169 respective house and a final determination shall be made by a
170 majority of said house.

171 (8) Any person required to be registered or to provide
172 information pursuant to this section or pursuant to rules
173 established in conformity with this section who knowingly fails
174 to disclose any material fact required by this section or by

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175 rules established in conformity with this section, or who
176 knowingly provides false information on any report required by
177 this section or by rules established in conformity with this
178 section, commits a noncriminal infraction, punishable by a fine
179 not to exceed \$5,000. Such penalty shall be in addition to any
180 other penalty assessed by a house of the Legislature pursuant to
181 subsection (7).

182 (9) There is hereby created the Legislative Lobbyist
183 Registration Trust Fund, to be used for the purpose of funding
184 any office established for the administration of the
185 registration of lobbyists lobbying the Legislature, including
186 the payment of salaries and other expenses, and for the purpose
187 of paying the expenses incurred by the Legislature in providing
188 services to lobbyists. The trust fund is not subject to the
189 service charge to general revenue provisions of chapter 215.
190 Fees collected pursuant to rules established in accordance with
191 subsections ~~subsection~~ (2) and (4) shall be deposited into the
192 Legislative Lobbyist Registration Trust Fund.

193 Section 2. Effective June 30, 2015, the amendments to s.
194 11.045, Florida Statutes, made by this act shall expire, and the
195 text of that section shall revert to that in existence on April
196 7, 2012.

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