

By the Committee on Ethics and Elections; and Senators Lee and Joyner

582-03314A-13

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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., and reenacting subsections
4 (4)-(8), relating to lobbying before the Legislature;
5 revising the term "expenditure" to exclude the use of
6 a public facility or public property that is made
7 available by a governmental entity to a legislator for
8 a public purpose, to exempt such use from legislative
9 lobbying requirements; providing exceptions when a
10 member or an employee of the Legislature may accept
11 certain expenditures made by a lobbyist or a
12 principal; providing for the future expiration and the
13 reversion as of a specified date of statutory text;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (c) of subsection (1) of section
19 11.045, Florida Statutes, is amended, subsection (4) of that
20 section is reenacted and amended, and subsections (5) through
21 (8) of that section are reenacted, to read:

22 11.045 Lobbying before the Legislature; registration and
23 reporting; exemptions; penalties.—

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

26 (c) "Expenditure" means a payment, distribution, loan,
27 advance, reimbursement, deposit, or anything of value made by a
28 lobbyist or principal for the purpose of lobbying. The term does
29 not include:

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30 1. Contributions or expenditures reported pursuant to
31 chapter 106 or federal election law, campaign-related personal
32 services provided without compensation by individuals
33 volunteering their time, any other contribution or expenditure
34 made by or to a political party or affiliated party committee,
35 or any other contribution or expenditure made by an organization
36 that is exempt from taxation under 26 U.S.C. s. 527 or s.
37 501(c)(4).

38 2. A government-to-government use, which is the use of a
39 public facility or public property that is made available by a
40 governmental entity to a legislator for a public purpose,
41 regardless of whether the governmental entity is required to
42 register any person as a lobbyist pursuant to this section.

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

48 1. Floral arrangements or other celebratory items given to
49 legislators and displayed in chambers the opening day of a
50 regular session.

51 2. Individual servings of nonalcoholic beverages provided
52 by a lobbyist or a principal as a courtesy to the attendees of a
53 meeting.

54 3. A member or employee of the Legislature, who attends a
55 scheduled meeting of an established membership organization
56 whose membership is not primarily composed of lobbyists, which
57 is also a principal, as a featured speaker, moderator, or
58 participant and provides a speech, address, oration, or other

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59 oral presentation, may accept a meal, beverage, or event or
60 meeting registration fee. Such meal, beverage, and event or
61 meeting registration fee are expenses related to an honorarium
62 event under s. 112.3149.

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

66 (c) A member or employee of the Legislature who attends a
67 meeting and accepts a meal, beverage, or event or meeting
68 registration fee as permitted in subparagraph (a)3., is required
69 to file a report with the Secretary of the Senate or the Clerk
70 of the House of Representatives no later than 15 days after
71 attending the meeting. The report must contain, at a minimum,
72 the date of the event, the name of the organization hosting the
73 event, the topic or topics about which the member or employee
74 spoke, and the value of the meal accepted. Each house of the
75 Legislature shall establish by rule procedures for such
76 reporting and for the publication of such reports on its
77 website. Reports required to be filed by this subsection satisfy
78 the disclosure requirements in s. 112.3149(6).

79 (5) Each house of the Legislature shall provide by rule a
80 procedure by which a person, when in doubt about the
81 applicability and interpretation of this section in a particular
82 context, may submit in writing the facts for an advisory opinion
83 to the committee of either house and may appear in person before
84 the committee. The rule shall provide a procedure by which:

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

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88 (b) The committee shall make sufficient deletions to
89 prevent disclosing the identity of persons in the decisions or
90 opinions.

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

93 (6) Each house of the Legislature shall provide by rule for
94 keeping all advisory opinions of the committees relating to
95 lobbying firms, lobbyists, and lobbying activities. The rule
96 shall also provide that each house keep a current list of
97 registered lobbyists along with reports required of lobbying
98 firms under this section, all of which shall be open for public
99 inspection.

100 (7) Each house of the Legislature shall provide by rule
101 that a committee of either house investigate any person upon
102 receipt of a sworn complaint alleging a violation of this
103 section, s. 112.3148, or s. 112.3149 by such person; also, the
104 rule shall provide that a committee of either house investigate
105 any lobbying firm upon receipt of audit information indicating a
106 possible violation other than a late-filed report. Such
107 proceedings shall be conducted pursuant to the rules of the
108 respective houses. If the committee finds that there has been a
109 violation of this section, s. 112.3148, or s. 112.3149, it shall
110 report its findings to the President of the Senate or the
111 Speaker of the House of Representatives, as appropriate,
112 together with a recommended penalty, to include a fine of not
113 more than \$5,000, reprimand, censure, probation, or prohibition
114 from lobbying for a period of time not to exceed 24 months. Upon
115 the receipt of such report, the President of the Senate or the
116 Speaker of the House of Representatives shall cause the

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117 committee report and recommendations to be brought before the
118 respective house and a final determination shall be made by a
119 majority of said house.

120 (8) Any person required to be registered or to provide
121 information pursuant to this section or pursuant to rules
122 established in conformity with this section who knowingly fails
123 to disclose any material fact required by this section or by
124 rules established in conformity with this section, or who
125 knowingly provides false information on any report required by
126 this section or by rules established in conformity with this
127 section, commits a noncriminal infraction, punishable by a fine
128 not to exceed \$5,000. Such penalty shall be in addition to any
129 other penalty assessed by a house of the Legislature pursuant to
130 subsection (7).

131 Section 2. The amendment to s. 11.045(4), Florida Statutes,
132 shall expire June 30, 2015, and the text of that subsection
133 shall revert to that in existence on April 7, 2012, except that
134 any amendments to such text enacted other than by this act shall
135 be preserved and continue to operate to the extent that such
136 amendments are not dependent upon portions of text which expire
137 pursuant to this section.

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