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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Rules (Lee) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 34 and 35
insert:

(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 or indirectly, any expenditure, except:

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

2. Individual servings of nonalcoholic beverages provided



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14 by a lobbyist or a principal as a courtesy to the attendees of a
15 meeting.

16 3. A member or employee of the Legislature, who attends a
17 scheduled meeting of an established membership organization
18 whose membership is not primarily composed of lobbyists, which
19 is also a principal, as a featured speaker, moderator, or
20 participant and provides a speech, address, oration, or other
21 oral presentation, may accept a meal, beverage, or event or
22 meeting registration fee. Such meal, beverage, and event or
23 meeting registration fee are expenses related to an honorarium
24 event under s. 112.3149.

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

28 (c) A member or employee of the Legislature who attends a
29 meeting and accepts a meal, beverage, or event or meeting
30 registration fee as permitted in subparagraph (a)3., is required
31 to file a report with the Secretary of the Senate or the Clerk
32 of the House of Representatives no later than 15 days after
33 attending the meeting. The report must contain, at a minimum,
34 the date of the event, the name of the organization hosting the
35 event, the topic or topics about which the member or employee
36 spoke, and the value of the meal accepted. Each house of the
37 Legislature shall establish by rule procedures for such
38 reporting and for the publication of such reports on its
39 website. Reports required to be filed by this subsection satisfy
40 the disclosure requirements in s. 112.3149(6).

41 (5) Each house of the Legislature shall provide by rule a
42 procedure by which a person, when in doubt about the



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43 applicability and interpretation of this section in a particular
44 context, may submit in writing the facts for an advisory opinion
45 to the committee of either house and may appear in person before
46 the committee. The rule shall provide a procedure by which:

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

50 (b) The committee shall make sufficient deletions to
51 prevent disclosing the identity of persons in the decisions or
52 opinions.

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

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

62 (7) Each house of the Legislature shall provide by rule
63 that a committee of either house investigate any person upon
64 receipt of a sworn complaint alleging a violation of this
65 section, s. 112.3148, or s. 112.3149 by such person; also, the
66 rule shall provide that a committee of either house investigate
67 any lobbying firm upon receipt of audit information indicating a
68 possible violation other than a late-filed report. Such
69 proceedings shall be conducted pursuant to the rules of the
70 respective houses. If the committee finds that there has been a
71 violation of this section, s. 112.3148, or s. 112.3149, it shall



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72 report its findings to the President of the Senate or the
73 Speaker of the House of Representatives, as appropriate,
74 together with a recommended penalty, to include a fine of not
75 more than \$5,000, reprimand, censure, probation, or prohibition
76 from lobbying for a period of time not to exceed 24 months. Upon
77 the receipt of such report, the President of the Senate or the
78 Speaker of the House of Representatives shall cause the
79 committee report and recommendations to be brought before the
80 respective house and a final determination shall be made by a
81 majority of said house.

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

93 Section 2. The amendment to s. 11.045(4), Florida Statutes,
94 shall expire June 30, 2015, and the text of that subsection
95 shall revert to that in existence on April 7, 2012, except that
96 any amendments to such text enacted other than by this act shall
97 be preserved and continue to operate to the extent that such
98 amendments are not dependent upon portions of text which expire
99 pursuant to this section.



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101 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

102 And the directory clause is amended as follows:

103 Delete lines 12 - 13

104 and insert:

105 Section 1. Paragraph (c) of subsection (1) of section
106 11.045, Florida Statutes, is amended, subsection (4) of that
107 section is reenacted and amended, and subsections (5) through
108 (8) of that section are reenacted, to read:

109

110

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

112 And the title is amended as follows:

113 Delete lines 2 - 8

114 and insert:

115 An act relating to legislative lobbying expenditures;
116 amending s. 11.045, F.S., and reenacting subsections
117 (4)-(8), relating to lobbying before the Legislature;
118 revising the term "expenditure" to exclude the use of
119 a public facility or public property that is made
120 available by a governmental entity to a legislator for
121 a public purpose, to exempt such use from legislative
122 lobbying requirements; providing exceptions when a
123 member or an employee of the Legislature may accept
124 certain expenditures made by a lobbyist or a
125 principal; providing for the future expiration and the
126 reversion as of a specified date of statutory text;
127 providing an effective date.