



766328

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/23/2013	.	
	.	
	.	
	.	

---

---

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

**Senate Amendment (with title amendment)**

Delete lines 813 - 856  
and insert:

Section 12. Paragraph (e) of subsection (2) of section 112.3148, Florida Statutes is amended and paragraph (f) is added to that subsection, and subsections (3) through (5) of that section are amended, to read

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

(2) As used in this section:



766328

13 (e) "Procurement employee" means any employee of an  
14 officer, department, board, commission, ~~or~~ council, or agency of  
15 the executive branch or judicial branch of state government who  
16 has participated in the preceding 12 months ~~participates~~ through  
17 decision, approval, disapproval, recommendation, preparation of  
18 any part of a purchase request, influencing the content of any  
19 specification or procurement standard, rendering of advice,  
20 investigation, or auditing or in any other advisory capacity in  
21 the procurement of contractual services or commodities as  
22 defined in s. 287.012, if the cost of such services or  
23 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in  
24 any year.

25 (f) "Vendor" means a business entity doing business  
26 directly with an agency, such as renting, leasing, or selling  
27 any realty, goods, or services.

28 (3) A reporting individual or procurement employee is  
29 prohibited from soliciting any gift from ~~a political committee~~  
30 ~~or committee of continuous existence, as defined in s. 106.011,~~  
31 ~~or from~~ a vendor doing business with the reporting individual's  
32 or procurement employee's agency or from a lobbyist who lobbies  
33 the reporting individual's or procurement employee's agency, or  
34 the partner, firm, employer, or principal of such lobbyist,  
35 where such gift is for the personal benefit of the reporting  
36 individual or procurement employee, another reporting individual  
37 or procurement employee, or any member of the immediate family  
38 of a reporting individual or procurement employee.

39 (4) A reporting individual or procurement employee or any  
40 other person on his or her behalf is prohibited from knowingly  
41 accepting, directly or indirectly, a gift from ~~a political~~



766328

42 ~~committee or committee of continuous existence, as defined in s.~~  
43 ~~106.011, or from~~ a vendor doing business with the reporting  
44 individual's or procurement employee's agency or from a lobbyist  
45 who lobbies the reporting individual's or procurement employee's  
46 agency, or directly or indirectly on behalf of the partner,  
47 firm, employer, or principal of a lobbyist, if he or she knows  
48 or reasonably believes that the gift has a value in excess of  
49 \$100; however, such a gift may be accepted by such person on  
50 behalf of a governmental entity or a charitable organization. If  
51 the gift is accepted on behalf of a governmental entity or  
52 charitable organization, the person receiving the gift shall not  
53 maintain custody of the gift for any period of time beyond that  
54 reasonably necessary to arrange for the transfer of custody and  
55 ownership of the gift.

56 (5) (a) ~~A political committee or a committee of continuous~~  
57 ~~existence, as defined in s. 106.011~~ A vendor doing business with  
58 the reporting individual's or procurement employee's agency; a  
59 lobbyist who lobbies a reporting individual's or procurement  
60 employee's agency; the partner, firm, employer, or principal of  
61 a lobbyist; or another on behalf of the lobbyist or partner,  
62 firm, principal, or employer of the lobbyist is prohibited from  
63 giving, either directly or indirectly, a gift that has a value  
64 in excess of \$100 to the reporting individual or procurement  
65 employee or any other person on his or her behalf; however, such  
66 person may give a gift having a value in excess of \$100 to a  
67 reporting individual or procurement employee if the gift is  
68 intended to be transferred to a governmental entity or a  
69 charitable organization.

70



766328

71           Between lines 907 and 908

72 insert:

73           Section 14. Paragraph (e) of subsection (1) of section  
74 112.3149, Florida Statutes, is amended and paragraph (f) is  
75 added to that subsection, and subsections (3) and (4) of that  
76 subsection are amended, to read:

77           112.3149 Solicitation and disclosure of honoraria.—

78           (1) As used in this section:

79           (e) "Procurement employee" means any employee of an  
80 officer, department, board, commission, ~~or~~ council, or agency of  
81 the executive branch or judicial branch of state government who  
82 has participated in the preceding 12 months ~~participates~~ through  
83 decision, approval, disapproval, recommendation, preparation of  
84 any part of a purchase request, influencing the content of any  
85 specification or procurement standard, rendering of advice,  
86 investigation, or auditing or in any other advisory capacity in  
87 the procurement of contractual services or commodities as  
88 defined in s. 287.012, if the cost of such services or  
89 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

90           (f) "Vendor" means a business entity doing business  
91 directly with an agency, such as renting, leasing, or selling  
92 any realty, goods, or services.

93           (3) A reporting individual or procurement employee is  
94 prohibited from knowingly accepting an honorarium from a  
95 political committee or committee of continuous existence, as  
96 defined in s. 106.011, from a vendor doing business with the  
97 reporting individual's or procurement employee's agency, from a  
98 lobbyist who lobbies the reporting individual's or procurement  
99 employee's agency, or from the employer, principal, partner, or



766328

100 firm of such a lobbyist.

101 (4) A political committee or committee of continuous  
102 existence, as defined in s. 106.011, a vendor doing business  
103 with the reporting individual's or procurement employee's  
104 agency, a lobbyist who lobbies a reporting individual's or  
105 procurement employee's agency, or the employer, principal,  
106 partner, or firm of such a lobbyist is prohibited from giving an  
107 honorarium to a reporting individual or procurement employee.

108  
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete line 144

112 and insert:

113 commission; amending s. 112.3148, F.S.; revising the  
114 definition of "procurement employee"; creating a  
115 definition for "vendor"; prohibiting a reporting  
116 individual or procurement employee from soliciting or  
117 knowingly accepting a gift from a vendor; deleting

118  
119 Delete line 162

120 and insert:

121 thereto; amending s. 112.3149, F.S.; revising the  
122 definition of "procurement employee"; creating a  
123 definition for "vendor"; prohibiting a reporting  
124 individual or procurement employee from knowingly  
125 accepting an honorarium from a vendor; prohibiting a  
126 vendor from giving an honorarium to a reporting  
127 individual or procurement employee; amending s.  
128 112.324, F.S.; authorizing