

HB 133

2014

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 reporting requirements; requiring
13 each house of the Legislature to establish rules
14 governing reporting procedures; providing for the
15 future expiration and the reversion as of a specified
16 date of statutory text; providing an effective date.

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

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

24 11.045 Lobbying before the Legislature; registration and
25 reporting; exemptions; penalties.—

26 (1) As used in this section, unless the context otherwise
27 requires:

28 (c) "Expenditure" means a payment, distribution, loan,

29 advance, reimbursement, deposit, or anything of value made by a
 30 lobbyist or principal for the purpose of lobbying. The term does
 31 not include the following:

32 1. Contributions or expenditures reported pursuant to
 33 chapter 106 or federal election law, campaign-related personal
 34 services provided without compensation by individuals
 35 volunteering their time, any other contribution or expenditure
 36 made by or to a political party or affiliated party committee,
 37 or any other contribution or expenditure made by an organization
 38 that is exempt from taxation under 26 U.S.C. s. 527 or s.
 39 501(c) (4).

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

45 (4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any
 46 other ~~provision of~~ law to the contrary, a ~~ne~~ lobbyist or
 47 principal may not ~~shall~~ make, directly or indirectly, and a ~~ne~~
 48 member or employee of the Legislature may not ~~shall~~ knowingly
 49 accept, directly or indirectly, any expenditure, except:

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

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

56 3. A meal, beverage, or event or meeting registration fee

57 provided to a member or employee of the Legislature who attends
58 a scheduled meeting of an established membership organization,
59 that is a principal and whose membership is not primarily
60 composed of lobbyists, as a featured speaker, moderator, or
61 participant and provides a speech, address, oration, or other
62 oral presentation. Such meal, beverage, and event or meeting
63 registration fee are expenses related to an honorarium event
64 under s. 112.3149.

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

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

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

85 | to the committee of either house and may appear in person before
86 | the committee. The rule shall provide a procedure by which:

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

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

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

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

102 | (7) Each house of the Legislature shall provide by rule
103 | that a committee of either house investigate any person upon
104 | receipt of a sworn complaint alleging a violation of this
105 | section, s. 112.3148, or s. 112.3149 by such person; also, the
106 | rule shall provide that a committee of either house investigate
107 | any lobbying firm upon receipt of audit information indicating a
108 | possible violation other than a late-filed report. Such
109 | proceedings shall be conducted pursuant to the rules of the
110 | respective houses. If the committee finds that there has been a
111 | violation of this section, s. 112.3148, or s. 112.3149, it shall
112 | report its findings to the President of the Senate or the

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113 Speaker of the House of Representatives, as appropriate,
114 together with a recommended penalty, to include a fine of not
115 more than \$5,000, reprimand, censure, probation, or prohibition
116 from lobbying for a period of time not to exceed 24 months. Upon
117 the receipt of such report, the President of the Senate or the
118 Speaker of the House of Representatives shall cause the
119 committee report and recommendations to be brought before the
120 respective house and a final determination shall be made by a
121 majority of said house.

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

133 Section 2. The amendment made by this act to s. 11.045(4),
134 Florida Statutes, shall expire June 30, 2016, and the text of
135 that subsection shall revert to that in existence on April 7,
136 2012, except that any amendments to such text enacted other than
137 by this act shall be preserved and continue to operate to the
138 extent that such amendments are not dependent upon portions of
139 text which expire pursuant to this section.

140 Section 3. This act shall take effect July 1, 2014.