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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/20/2014 03:30 PM

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Senator Latvala moved the following:

Senate Amendment

Delete lines 177 - 283

and insert:

(2) A local officer may not register as a lobbyist for the purpose of lobbying the Legislature on behalf of a person or entity other than his or her political subdivision. This subsection does not prohibit a local officer from being employed by, or contracting with, a lobbying firm if he or she does not personally represent clients before the Legislature.

(9)~~(8)~~ Any person required to be registered or to provide



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12 information pursuant to this section or pursuant to rules
13 established in conformity with this section who knowingly fails
14 to disclose any material fact required by this section or by
15 rules established in conformity with this section, or who
16 knowingly provides false information on any report required by
17 this section or by rules established in conformity with this
18 section, commits a noncriminal infraction, punishable by a fine
19 not to exceed \$5,000. Such penalty shall be in addition to any
20 other penalty assessed by a house of the Legislature pursuant to
21 subsection (8) ~~(7)~~.

22 (10) ~~(9)~~ There is hereby created the Legislative Lobbyist
23 Registration Trust Fund, to be used for the purpose of funding
24 any office established for the administration of the
25 registration of lobbyists lobbying the Legislature, including
26 the payment of salaries and other expenses, and for the purpose
27 of paying the expenses incurred by the Legislature in providing
28 services to lobbyists. The trust fund is not subject to the
29 service charge to general revenue provisions of chapter 215.
30 Fees collected pursuant to rules established in accordance with
31 subsection (3) ~~(2)~~ shall be deposited into the Legislative
32 Lobbyist Registration Trust Fund.

33 Section 2. Subsection (1) of section 112.3215, Florida
34 Statutes, is amended, present subsections (3) through (15) of
35 that section are renumbered as subsections (4) through (16),
36 respectively, a new subsection (3) is added to that section, and
37 present subsection (11) of that section is amended, to read:

38 112.3215 Lobbying before the executive branch or the
39 Constitution Revision Commission; registration and reporting;
40 investigation by commission.-



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41 (1) For the purposes of this section:

42 (a) "Agency" means the Governor, the Governor and Cabinet,
43 or any department, division, bureau, board, commission, or
44 authority of the executive branch. In addition, "agency" shall
45 mean the Constitution Revision Commission as provided by s. 2,
46 Art. XI of the State Constitution.

47 (b) "Agency official" or "employee" means any individual
48 who is required by law to file full or limited public disclosure
49 of his or her financial interests.

50 (c) "Compensation" means a payment, distribution, loan,
51 advance, reimbursement, deposit, salary, fee, retainer, or
52 anything of value provided or owed to a lobbying firm, directly
53 or indirectly, by a principal for any lobbying activity.

54 (d) "Expenditure" means a payment, distribution, loan,
55 advance, reimbursement, deposit, or anything of value made by a
56 lobbyist or principal for the purpose of lobbying. The term
57 "expenditure" does not include contributions or expenditures
58 reported pursuant to chapter 106 or contributions or
59 expenditures reported pursuant to federal election law,
60 campaign-related personal services provided without compensation
61 by individuals volunteering their time, any other contribution
62 or expenditure made by or to a political party or an affiliated
63 party committee, or any other contribution or expenditure made
64 by an organization that is exempt from taxation under 26 U.S.C.
65 s. 527 or s. 501(c)(4).

66 (e) "Fund" means the Executive Branch Lobby Registration
67 Trust Fund.

68 (f) "Lobbies" means seeking, on behalf of another person,
69 to influence an agency with respect to a decision of the agency



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70 in the area of policy or procurement or an attempt to obtain the
71 goodwill of an agency official or employee. "Lobbies" also means
72 influencing or attempting to influence, on behalf of another,
73 the Constitution Revision Commission's action or nonaction
74 through oral or written communication or an attempt to obtain
75 the goodwill of a member or employee of the Constitution
76 Revision Commission.

77 (g) "Lobbying firm" means a business entity, including an
78 individual contract lobbyist, that receives or becomes entitled
79 to receive any compensation for the purpose of lobbying, where
80 any partner, owner, officer, or employee of the business entity
81 is a lobbyist.

82 (h) "Lobbyist" means a person who is employed and receives
83 payment, or who contracts for economic consideration, for the
84 purpose of lobbying, or a person who is principally employed for
85 governmental affairs by another person or governmental entity to
86 lobby on behalf of that other person or governmental entity.
87 "Lobbyist" does not include a person who is:

88 1. An attorney, or any person, who represents a client in a
89 judicial proceeding or in a formal administrative proceeding
90 conducted pursuant to chapter 120 or any other formal hearing
91 before an agency, board, commission, or authority of this state.

92 2. An employee of an agency or of a legislative or judicial
93 branch entity acting in the normal course of his or her duties.

94 3. A confidential informant who is providing, or wishes to
95 provide, confidential information to be used for law enforcement
96 purposes.

97 4. A person who lobbies to procure a contract pursuant to
98 chapter 287 which contract is less than the threshold for



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99 CATEGORY ONE as provided in s. 287.017.

100 (i) "Local officer" means a state attorney, public
101 defender, sheriff, tax collector, property appraiser, supervisor
102 of elections, clerk of the circuit court, county commissioner,
103 district school board member, or superintendent of schools.

104 (j)~~(i)~~ "Principal" means the person, firm, corporation, or
105 other entity which has employed or retained a lobbyist.

106 (3) A local officer may not register as a lobbyist for the
107 purpose of lobbying an agency on behalf of a person or entity
108 other than his or her political subdivision. This subsection
109 does not prohibit a local officer from being employed by, or
110 contracting with, a lobbying firm if he or she does not
111 personally represent clients before an agency.