

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 1251](#)

**TITLE:** Expenditure of Public Funds by Local Governments

**SPONSOR(S):** Shoaf

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Intergovernmental Affairs](#)

8 Y, 4 N



[Rules & Ethics](#)



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill prohibits local governments from expending public funds to hire a lobbyist for representation before the legislative or executive branch. The bill requires the Commission on Ethics (Commission) to investigate complaints related to the provisions in the bill and report its findings. .

### **Fiscal or Economic Impact:**

The bill may have an indeterminate positive fiscal impact on local governments and an indeterminate negative fiscal impact on the Commission of Ethics and on the private sector.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill provides that the act may be cited as the “Federalism Protection Act.” (Section [1](#))

The bill prohibits local governments from expending public funds to retain a lobbyist for [representation before the legislative or executive branch](#). The bill also prohibits individuals from accepting public funds from a local government for lobbying. (Section [1](#))

The bill prohibits local elected officials from expending public funds unless the expenditure is itemized in the local government’s budget. (Section [1](#))

These prohibitions do not apply to the expenditure of public funds by a local government or an elected official to hire in-house staff. (Section [1](#))

The bill provides that individuals may file a written complaint with the [Commission on Ethics](#) (Commission) alleging violations of the bill’s provisions. The bill requires the Commission to investigate the complaints and report its findings to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet. (Section [1](#))

The bill provides an effective date of July 1, 2026. (Section [2](#))

### **RULEMAKING:**

The bill grants the Commission the authority to adopt rules necessary to conduct investigations as provided in the bill.

**STORAGE NAME:** h1251a.IAS

**DATE:** 2/12/2026

*Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.*

#### **FISCAL OR ECONOMIC IMPACT:**

##### STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on the Commission of Ethics to the extent that the Commission expends resources to investigate complaints and submit reports related to violations of the bill's provisions.

##### LOCAL GOVERNMENT:

The bill may have an indeterminate positive fiscal impact on local governments to the extent those governments utilize lobbyists who are not employees of the local government.

##### PRIVATE SECTOR:

The bill will have an indeterminate negative fiscal impact on the private sector to the extent that lobbyists are no longer retained to represent local governments.

## **RELEVANT INFORMATION**

#### **SUBJECT OVERVIEW:**

##### [Commission on Ethics](#)

The Constitution requires the creation of an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees.<sup>1</sup> Accordingly, in 1974, the Florida Legislature created the Commission on Ethics (Commission) to serve as guardian of the standards of conduct for the officers<sup>2</sup> and employees<sup>3</sup> of the state, and of a county, city, or other political subdivision of the state.<sup>4</sup>

The Commission is required to receive and investigate sworn complaints regarding any violation of the code of ethics and any other breach of the public trust, including an investigation of all facts and parties materially related to the complaint at issue.<sup>5</sup> Upon completion of any investigation, the Commission must make a finding and public report determining whether a provision of the code of ethics was violated or there has been any other breach of the public trust committed by the subject public official or employee.<sup>6</sup> If the Commission finds that a violation or breach has occurred, it must recommend appropriate action to the agency or official having power to impose a penalty.

A public officer or employee who the Commission finds has violated any standard of conduct<sup>7</sup> or any breach of public trust may be punished, among other things, by imposition of a civil penalty not to exceed \$20,000 and restitution of any financial benefit received because of the violation committed.<sup>8</sup>

<sup>1</sup> [Art. II, s. 8, Fla. Const.](#)

<sup>2</sup> "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body. [S. 112.313\(1\), F.S.](#)

<sup>3</sup> "Public employee" means an individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head. [S. 112.061\(2\)\(h\), F.S.](#)

<sup>4</sup> [S. 112.320, F.S.](#)

<sup>5</sup> [S. 112.322\(1\), F.S.](#)

<sup>6</sup> [Ss. 112.322\(2\)\(b\) and 112.324, F.S.](#)

<sup>7</sup> *See* [s. 112.313, F.S.](#)

<sup>8</sup> [S. 112.317\(1\)\(a\) and \(b\), F.S.](#)

## Lobbying the Executive and Legislative Branches

Lobbyists<sup>9</sup> must register to lobby<sup>10</sup> the executive branch and the legislative branch in Florida.<sup>11</sup> Lobbyists who do not follow registration and reporting requirements may be subject to penalties, including fines and being prohibited from lobbying for a period of time.<sup>12</sup> A department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the legislative or executive branch.<sup>13</sup> State agency employees and employees of legislative and judicial branch entities acting in the normal course of their duties are exempt from executive branch lobbying registration.<sup>14</sup> However, local government officers and employees are not exempt and must register to lobby the state executive branch.<sup>15</sup>

Executive branch lobbying is regulated by the Commission,<sup>16</sup> while legislative branch lobbying is regulated primarily by Joint Rule of the Florida Legislature.<sup>17</sup> Both registration systems require lobbyists to annually register for each principal<sup>18</sup> represented and to indicate the entities to be lobbied.<sup>19</sup> In addition, lobbying firms<sup>20</sup> must file quarterly compensation reports.<sup>21</sup> Both the Commission and the Legislature have instituted electronic registration and compensation reporting.<sup>22</sup>

For the executive branch, lobbying does not include the following:

- An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter or any other formal hearing before an agency, board, commission, or authority of this state;
- An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties;
- A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes; and
- A person who lobbies to procure a contract pursuant to Ch. 287, F.S., which is less than \$20,000.<sup>23</sup>

Allegations of lobbying violations concerning the executive branch are investigated by the Commission.<sup>24</sup> The Commission is responsible for investigating complaints alleging that a required person has failed to register, has failed to submit a compensation report, has made a prohibited expenditure, or has knowingly submitted false

<sup>9</sup> “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. [Ss. 11.045\(1\)\(g\)](#) and [112.3215\(1\)\(h\), F.S.](#)

<sup>10</sup> For executive branch purposes, “lobbies” means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. [S. 112.3215\(1\)\(f\), F.S.](#) For legislative branch purposes, “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. [S. 11.045\(1\)\(e\), F.S.](#)

<sup>11</sup> [S. 112.3215\(3\), F.S.](#) and [11.045\(2\), F.S.](#)

<sup>12</sup> [Ss. 11.045\(8\)](#) and [112.3215\(11\), F.S.](#)

<sup>13</sup> [S. 11.062\(2\), F.S.](#)

<sup>14</sup> [S. 112.3215\(1\)\(h\)2., F.S.](#)

<sup>15</sup> See [s. 112.3215\(1\)\(h\), F.S.](#), for exempted individuals.

<sup>16</sup> Florida Commission on Ethics, [Lobbyist Information](#) (last visited Feb. 4, 2026).

<sup>17</sup> [S. 11.045, F.S.](#), and [Joint Rule 1.1](#).

<sup>18</sup> “Principal” means the person, firm, corporation, or other entity which has employed or retained as a lobbyist. [Ss. 11.045\(1\)\(i\)](#) and [112.3215\(1\)\(i\), F.S.](#)

<sup>19</sup> [S. 112.3215\(3\), F.S.](#); [Joint Rule 1.2](#).

<sup>20</sup> “Lobbying firm” means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist. [Ss. 11.045\(1\)\(f\)](#) and [112.3215\(1\)\(g\), F.S.](#)

<sup>21</sup> [S. 112.3215\(5\)\(a\)1, F.S.](#); [2024 Joint Rule 1.4](#).

<sup>22</sup> [S. 112.32155, F.S.](#); [Joint Rule 1.1](#).

<sup>23</sup> [S. 112.3215\(1\)\(h\), F.S.](#)

<sup>24</sup> [S. 112.3215\(8\)\(a\), F.S.](#)

information in any report or registration. The Commission is authorized to investigate any lobbying firm, lobbyist, principal, agency, officer, or employee upon receipt a complaint or from a random audit of lobbying reports indicating that the entity or individual has intentionally failed to disclose any material fact or has knowingly submitted false information.<sup>25</sup> If the Commission finds probable cause to believe that a violation occurred, it must report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. If the Governor and Cabinet find that a violation occurred, the Governor and Cabinet may reprimand the violator, censure the violator, or prohibit the violator from lobbying for up to two years.<sup>26</sup> If the violator is a lobbying firm, lobbyist, or principal, the Governor and Cabinet may also assess a fine of up to \$5,000.

For the legislative branch, lobbying does not include the following:

- A response to an inquiry for information made by any member, committee, or staff of the Legislature;
- An appearance in response to a legislative subpoena;
- Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds;
- Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate; and
- A person employed by any executive or judicial state department or any state community college who makes a personal appearance before the House of Representatives or the Senate, while that person is on approved leave or outside normal working hours and who does not otherwise meet the definition of a lobbyist.<sup>27</sup>

Each house of the Legislature is responsible for providing by rule which committee of the chamber investigates alleged lobbying violations.<sup>28</sup> The jurisdiction also includes investigating any lobbying firm upon receipt of audit information indicating a possible violation. Penalties for violating these provisions may include a fine of up to \$5,000, reprimand, censure, probation, or prohibiting the violator from lobbying for up to two years.

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	8 Y, 4 N	2/12/2026	Darden	Hilliard
<a href="#">Rules &amp; Ethics Committee</a>				
<a href="#">State Affairs Committee</a>				

<sup>25</sup> [S. 112.3215\(8\)\(c\), F.S.](#)

<sup>26</sup> [S. 112.3215\(10\), F.S.](#)

<sup>27</sup> [Joint Rule 1.1.](#)

<sup>28</sup> [S. 11.045\(7\), F.S.](#)