



927154

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
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	.	
	.	

The Committee on Appropriations (Lee and Latvala) recommended the following:

Senate Amendment (with title amendment)

Before line 99

insert:

Section 1. Subsection (1) of section 11.045, Florida Statutes, is amended, present subsections (2) through (9) of that section are renumbered as subsections (3) through (10), respectively, a new subsection (2) is added to that section, and present subsections (8) and (9) of that section are amended, to



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10 read:

11 11.045 Lobbying before the Legislature; registration and
12 reporting; exemptions; penalties.—

13 (1) As used in this section, unless the context otherwise
14 requires:

15 (a) "Committee" means the committee of each house charged
16 by the presiding officer with responsibility for ethical conduct
17 of lobbyists.

18 (b) "Compensation" means a payment, distribution, loan,
19 advance, reimbursement, deposit, salary, fee, retainer, or
20 anything of value provided or owed to a lobbying firm, directly
21 or indirectly, by a principal for any lobbying activity.

22 (c) "Expenditure" means a payment, distribution, loan,
23 advance, reimbursement, deposit, or anything of value made by a
24 lobbyist or principal for the purpose of lobbying. The term does
25 not include contributions or expenditures reported pursuant to
26 chapter 106 or federal election law, campaign-related personal
27 services provided without compensation by individuals
28 volunteering their time, any other contribution or expenditure
29 made by or to a political party or affiliated party committee,
30 or any other contribution or expenditure made by an organization
31 that is exempt from taxation under 26 U.S.C. s. 527 or s.
32 501(c)(4).

33 (d) "Legislative action" means introduction, sponsorship,
34 testimony, debate, voting, or any other official action on any
35 measure, resolution, amendment, nomination, appointment, or
36 report of, or any matter that may be the subject of action by,
37 either house of the Legislature or any committee thereof.

38 (e) "Lobbying" means influencing or attempting to influence



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39 legislative action or nonaction through oral or written
40 communication or an attempt to obtain the goodwill of a member
41 or employee of the Legislature.

42 (f) "Lobbying firm" means any business entity, including an
43 individual contract lobbyist, which receives or becomes entitled
44 to receive any compensation for the purpose of lobbying, where
45 any partner, owner, officer, or employee of the business entity
46 is a lobbyist.

47 (g) "Lobbyist" means a person who is employed and receives
48 payment, or who contracts for economic consideration, for the
49 purpose of lobbying, or a person who is principally employed for
50 governmental affairs by another person or governmental entity to
51 lobby on behalf of that other person or governmental entity.

52 (h) "Local officer" means a state attorney, public
53 defender, sheriff, tax collector, property appraiser, supervisor
54 of elections, clerk of the circuit court, county commissioner,
55 district school board member, or superintendent of schools.

56 (i) ~~(h)~~ "Office" means the Office of Legislative Services.

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

59 (2) A local officer may not lobby or register to lobby the
60 Legislature on behalf of a person or entity other than his or
61 her political subdivision. This subsection does not prohibit a
62 local officer from being employed by, or contracting with, a
63 lobbying firm if he or she does not personally represent clients
64 before the Legislature.

65 (9) ~~(8)~~ Any person required to be registered or to provide
66 information pursuant to this section or pursuant to rules
67 established in conformity with this section who knowingly fails



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68 to disclose any material fact required by this section or by
69 rules established in conformity with this section, or who
70 knowingly provides false information on any report required by
71 this section or by rules established in conformity with this
72 section, commits a noncriminal infraction, punishable by a fine
73 not to exceed \$5,000. Such penalty shall be in addition to any
74 other penalty assessed by a house of the Legislature pursuant to
75 subsection (8) ~~(7)~~.

76 (10) ~~(9)~~ There is hereby created the Legislative Lobbyist
77 Registration Trust Fund, to be used for the purpose of funding
78 any office established for the administration of the
79 registration of lobbyists lobbying the Legislature, including
80 the payment of salaries and other expenses, and for the purpose
81 of paying the expenses incurred by the Legislature in providing
82 services to lobbyists. The trust fund is not subject to the
83 service charge to general revenue provisions of chapter 215.
84 Fees collected pursuant to rules established in accordance with
85 subsection (3) ~~(2)~~ shall be deposited into the Legislative
86 Lobbyist Registration Trust Fund.

87 Section 2. Subsection (1) of section 112.3215, Florida
88 Statutes, is amended, present subsections (3) through (15) of
89 that section are renumbered as subsections (4) through (16),
90 respectively, a new subsection (3) is added to that section, and
91 present subsection (11) of that section is amended, to read:

92 112.3215 Lobbying before the executive branch or the
93 Constitution Revision Commission; registration and reporting;
94 investigation by commission.—

95 (1) For the purposes of this section:

96 (a) "Agency" means the Governor, the Governor and Cabinet,



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97 or any department, division, bureau, board, commission, or
98 authority of the executive branch. In addition, "agency" shall
99 mean the Constitution Revision Commission as provided by s. 2,
100 Art. XI of the State Constitution.

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

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

108 (d) "Expenditure" means a payment, distribution, loan,
109 advance, reimbursement, deposit, or anything of value made by a
110 lobbyist or principal for the purpose of lobbying. The term
111 "expenditure" does not include contributions or expenditures
112 reported pursuant to chapter 106 or contributions or
113 expenditures reported pursuant to federal election law,
114 campaign-related personal services provided without compensation
115 by individuals volunteering their time, any other contribution
116 or expenditure made by or to a political party or an affiliated
117 party committee, or any other contribution or expenditure made
118 by an organization that is exempt from taxation under 26 U.S.C.
119 s. 527 or s. 501(c)(4).

120 (e) "Fund" means the Executive Branch Lobby Registration
121 Trust Fund.

122 (f) "Lobbies" means seeking, on behalf of another person,
123 to influence an agency with respect to a decision of the agency
124 in the area of policy or procurement or an attempt to obtain the
125 goodwill of an agency official or employee. "Lobbies" also means



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126 influencing or attempting to influence, on behalf of another,
127 the Constitution Revision Commission's action or nonaction
128 through oral or written communication or an attempt to obtain
129 the goodwill of a member or employee of the Constitution
130 Revision Commission.

131 (g) "Lobbying firm" means a business entity, including an
132 individual contract lobbyist, that receives or becomes entitled
133 to receive any compensation for the purpose of lobbying, where
134 any partner, owner, officer, or employee of the business entity
135 is a lobbyist.

136 (h) "Lobbyist" means a person who is employed and receives
137 payment, or who contracts for economic consideration, for the
138 purpose of lobbying, or a person who is principally employed for
139 governmental affairs by another person or governmental entity to
140 lobby on behalf of that other person or governmental entity.

141 "Lobbyist" does not include a person who is:

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

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

148 3. A confidential informant who is providing, or wishes to
149 provide, confidential information to be used for law enforcement
150 purposes.

151 4. A person who lobbies to procure a contract pursuant to
152 chapter 287 which contract is less than the threshold for
153 CATEGORY ONE as provided in s. 287.017.

154 (i) "Local officer" means a state attorney, public



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155 defender, sheriff, tax collector, property appraiser, supervisor
156 of elections, clerk of the circuit court, county commissioner,
157 district school board member, or superintendent of schools.

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

160 (3) A local officer may not lobby or register to lobby an
161 agency on behalf of a person or entity other than his or her
162 political subdivision. This subsection does not prohibit a local
163 officer from being employed by, or contracting with, a lobbying
164 firm if he or she does not personally represent clients before
165 an agency.

166 (12)~~(11)~~ Any person who is required to be registered or to
167 provide information under this section or under rules adopted
168 pursuant to this section and who knowingly fails to disclose any
169 material fact that is required by this section or by rules
170 adopted pursuant to this section, or who knowingly provides
171 false information on any report required by this section or by
172 rules adopted pursuant to this section, commits a noncriminal
173 infraction, punishable by a fine not to exceed \$5,000. Such
174 penalty is in addition to any other penalty assessed by the
175 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

176 Section 3. Subsections (3), (4), and (7) of section
177 11.0455, Florida Statutes, are amended to read:

178 11.0455 Electronic filing of compensation reports and other
179 information.—

180 (3) A report filed pursuant to this section must be
181 completed and filed through the electronic filing system not
182 later than 11:59 p.m. of the day designated in s. 11.045. A
183 report not filed by 11:59 p.m. of the day designated is a late-



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184 filed report and is subject to the penalties under s. 11.045(4)
185 ~~s. 11.045(3)~~.

186 (4) Each report filed pursuant to this section is deemed to
187 meet the certification requirements of s. 11.045(4)(a)4. ~~s.~~
188 ~~11.045(3)(a)4.~~, and as such subjects the person responsible for
189 filing and the lobbying firm to the provisions of s. 11.045(8)
190 and (9) ~~s. 11.045(7) and (8)~~. Persons given a secure sign-on to
191 the electronic filing system are responsible for protecting it
192 from disclosure and are responsible for all filings using such
193 credentials, unless they have notified the office that their
194 credentials have been compromised.

195 (7) Each house of the Legislature shall provide by rule
196 that the office make all the data filed available on the
197 Internet in an easily understood and accessible format. The
198 Internet website must also include, but not be limited to, the
199 names and business addresses of lobbyists, lobbying firms, and
200 principals, the affiliations between lobbyists and principals,
201 and the classification system designated and identified by each
202 principal pursuant to s. 11.045(3) ~~s. 11.045(2)~~.

203 Section 4. Subsections (3), (4), and (7) of section
204 112.32155, Florida Statutes, are amended to read:

205 112.32155 Electronic filing of compensation reports and
206 other information.—

207 (3) A report filed pursuant to this section must be
208 completed and filed through the electronic filing system not
209 later than 11:59 p.m. of the day designated in s. 112.3215. A
210 report not filed by 11:59 p.m. of the day designated is a late-
211 filed report and is subject to the penalties under s.
212 112.3215(6) ~~s. 112.3215(5)~~.



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213 (4) Each report filed pursuant to this section is
214 considered to meet the certification requirements of s.
215 112.3215(6)(a)4. ~~s. 112.3215(5)(a)4.~~ Persons given a secure
216 sign-on to the electronic filing system are responsible for
217 protecting it from disclosure and are responsible for all
218 filings using such credentials, unless they have notified the
219 commission that their credentials have been compromised.

220 (7) The commission shall make all the data filed available
221 on the Internet in an easily understood and accessible format.
222 The Internet website shall also include, but not be limited to,
223 the names and business addresses of lobbyists, lobbying firms,
224 and principals, the affiliations between lobbyists and
225 principals, and the classification system designated and
226 identified by each principal pursuant to s. 112.3215(4) ~~s.~~
227 ~~112.3215(3).~~

228 Section 5. The amendments made by this act to ss. 11.045
229 and 112.3215, Florida Statutes, do not apply to a local officer
230 for the duration of his or her current term of office as of the
231 effective date of this act. The amendments made by this act to
232 ss. 11.045 and 112.3215, Florida Statutes, shall apply to a
233 local officer beginning a new term of office or appointed to
234 fill an unexpired term after the effective date of this act.

235
236 ===== T I T L E A M E N D M E N T =====

237 And the title is amended as follows:

238 Delete line 2

239 and insert:

240 An act relating to governmental ethics; amending ss.
241 11.045 and 112.3215, F.S.; defining the term "local



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242 officer"; prohibiting a local officer from registering
243 to lobby the Legislature or an agency on behalf of
244 another person or entity other than his or her
245 political subdivision; authorizing a local officer to
246 be employed by or contracted with a lobbying firm
247 under certain circumstances; amending ss. 11.0455 and
248 112.32155, F.S.; conforming cross-references to
249 changes made by the act; providing for applicability;
250 amending s.