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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

03/24/2010 06:56 PM

Senators Lawson, Siplin, Bullard, and Smith moved the following:

Senate Amendment (with title amendment)

Delete lines 1591 - 1643

and insert:

Section 27. Paragraph (d) of subsection (1) and subsection (4) of section 11.045, Florida Statutes, are amended to read:

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

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

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term



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14 "expenditure" does not include contributions or expenditures
15 reported pursuant to chapter 106 or federal election law,
16 campaign-related personal services provided without compensation
17 by individuals volunteering their time, any other contribution
18 or expenditure made by or to a political party or affiliated
19 party committee, or any other contribution or expenditure made
20 by an organization that is exempt from taxation under 26 U.S.C.
21 s. 527 or s. 501(c)(4).

22 ~~(4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any~~
23 ~~other provision of law to the contrary, no lobbyist or principal~~
24 ~~shall make, directly or indirectly, and no member or employee of~~
25 ~~the Legislature shall knowingly accept, directly or indirectly,~~
26 ~~any expenditure, except floral arrangements or other celebratory~~
27 ~~items given to legislators and displayed in chambers the opening~~
28 ~~day of a regular session.~~

29 ~~(b)~~ No person shall provide compensation for lobbying to
30 any individual or business entity that is not a lobbying firm.

31 Section 28. Paragraph (b) of subsection (12) of section
32 112.312, Florida Statutes, is amended to read:

33 112.312 Definitions.—As used in this part and for purposes
34 of the provisions of s. 8, Art. II of the State Constitution,
35 unless the context otherwise requires:

36 (12)

37 (b) "Gift" does not include:

38 1. Salary, benefits, services, fees, commissions, gifts, or
39 expenses associated primarily with the donee's employment,
40 business, or service as an officer or director of a corporation
41 or organization.

42 2. Contributions or expenditures reported pursuant to



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43 chapter 106, campaign-related personal services provided without
44 compensation by individuals volunteering their time, or any
45 other contribution or expenditure by a political party or
46 affiliated party committee.

47 3. An honorarium or an expense related to an honorarium
48 event paid to a person or the person's spouse.

49 4. An award, plaque, certificate, or similar personalized
50 item given in recognition of the donee's public, civic,
51 charitable, or professional service.

52 5. An honorary membership in a service or fraternal
53 organization presented merely as a courtesy by such
54 organization.

55 6. The use of a public facility or public property, made
56 available by a governmental agency, for a public purpose.

57 7. Transportation provided to a public officer or employee
58 by an agency in relation to officially approved governmental
59 business.

60 8. Gifts provided directly or indirectly by a state,
61 regional, or national organization which promotes the exchange
62 of ideas between, or the professional development of,
63 governmental officials or employees, and whose membership is
64 primarily composed of elected or appointed public officials or
65 staff, to members of that organization or officials or staff of
66 a governmental agency that is a member of that organization.

67 Section 29. Subsection (5) of section 112.3148, Florida
68 Statutes, is amended to read:

69 112.3148 Reporting and prohibited receipt of gifts by
70 individuals filing full or limited public disclosure of
71 financial interests and by procurement employees.-



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72 (5) (a) A political committee or a committee of continuous
73 existence, as defined in s. 106.011; a lobbyist who lobbies a
74 reporting individual's or procurement employee's agency; the
75 partner, firm, employer, or principal of a lobbyist; or another
76 on behalf of the lobbyist or partner, firm, principal, or
77 employer of the lobbyist is prohibited from giving, either
78 directly or indirectly, a gift that has a value in excess of
79 \$100 to the reporting individual or procurement employee or any
80 other person on his or her behalf; however, such person may give
81 a gift having a value in excess of \$100 to a reporting
82 individual or procurement employee if the gift is intended to be
83 transferred to a governmental entity or a charitable
84 organization.

85 (b) However, a person who is regulated by this subsection,
86 who is not regulated by subsection (6), and who makes, or
87 directs another to make, an individual gift having a value in
88 excess of \$5 ~~\$25~~, but not in excess of \$100, other than a gift
89 which the donor knows will be accepted on behalf of a
90 governmental entity or charitable organization, must file a
91 report on the last day of each calendar quarter, for the
92 previous calendar quarter in which a reportable gift is made.
93 The report shall be filed with the Commission on Ethics, except
94 with respect to gifts to reporting individuals of the
95 legislative branch, in which case the report shall be filed with
96 the Division of Legislative Information Services in the Office
97 of Legislative Services. The report must contain a description
98 of each gift, the monetary value thereof, the name and address
99 of the person making such gift, the name and address of the
100 recipient of the gift, and the date such gift is given. In



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101 addition, when a gift is made which requires the filing of a
102 report under this subsection, the donor must notify the intended
103 recipient at the time the gift is made that the donor, or
104 another on his or her behalf, will report the gift under this
105 subsection. Under this paragraph, a gift need not be reported by
106 more than one person or entity.

107 Section 30. Paragraph (d) of subsection (1) and subsection
108 (6) of section 112.3215, Florida Statutes, are amended to read:

109 112.3215 Lobbying before the executive branch or the
110 Constitution Revision Commission; registration and reporting;
111 investigation by commission.-

112 (1) For the purposes of this section:

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

124 ~~(6) (a) Notwithstanding s. 112.3148, s. 112.3149, or any~~
125 ~~other provision of law to the contrary, no lobbyist or principal~~
126 ~~shall make, directly or indirectly, and no agency official,~~
127 ~~member, or employee shall knowingly accept, directly or~~
128 ~~indirectly, any expenditure.~~

129 ~~(b)~~ No person shall provide compensation for lobbying to



130 any individual or business entity that is not a lobbying firm.

131

132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete lines 111 - 122

135 and insert:

136 amending s. 11.045, F.S., relating to lobbying before
137 the Legislature; excluding contributions and
138 expenditures by an affiliated party committee from the
139 definition of the term "expenditure"; deleting a
140 provision prohibiting a lobbyist or principal from
141 giving or a member of the Legislature or a legislative
142 employee from accepting certain expenditures; amending
143 s. 112.312, F.S.; providing that certain activities
144 pertaining to an affiliated party committee are
145 excluded from the definition of the term "gift";
146 amending s. 112.3148, F.S.; lowering the value of
147 gifts to a reporting individual or procurement
148 employee that certain donors must report to the
149 Commission on Ethics; amending s. 112.3215, F.S.,
150 relating to lobbying before the executive branch or
151 the Constitution Revision Commission; excluding
152 contributions and expenditures by an affiliated party
153 committee from the definition of the term
154 "expenditure"; deleting a provision prohibiting a
155 lobbyist or principal from giving or an agency
156 official, member, or employee from accepting certain
157 expenditures; reenacting ss.