

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599 Exemption from Legislative Lobbying Requirements

SPONSOR(S): Rogers

TIED BILLS: **IDEN./SIM. BILLS:** SB 984

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N	Toliver	Williamson
2) State Affairs Committee	18 Y, 0 N	Toliver	Camechis
3) Rules, Calendar & Ethics Committee	16 Y, 0 N	Birtman	Birtman

SUMMARY ANALYSIS

Current law prohibits lobbyists and principals from making, and a member or employee of the Legislature from accepting, expenditures. The term "expenditure" is defined as a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or a principal for the purpose of lobbying. Current law also provides penalties for violating the expenditure prohibition.

The bill revises the definition of "expenditure" to create an exception for a "public-legislative use." It provides that a "public-legislative use" is the use of a public facility or property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 11.045, F.S., relates to lobbying before the Legislature. Section 11.045(4)(a), F.S. prohibits lobbyists¹ and principals from making, and a member or employee of the Legislature from accepting, any direct or indirect expenditure. The term “principal” is defined to mean “the person, firm, corporation, or other entity which has employed or retained a lobbyist,”² which appears to include governmental entities such as municipalities, counties, and universities. The term “expenditure” is defined as:³

[A] payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 547 or s. 501(c)(4).

The following penalties can be imposed for violating the expenditure prohibition:⁴

- A fine of not more than \$5,000;
- Reprimand;
- Censure;
- Probation; or
- Prohibition from lobbying⁵ for a period not to exceed 24 months.

The Florida House of Representatives’ Administrative Policy Manual further addresses the prohibition on acceptance of lobbying expenditures, including exceptions to the prohibition on lobbying expenditures. The administrative policy provides an exception for government facilities and transportation:⁶

With the prior approval of the Speaker, based upon a public legislative purpose, real property and facilities owned or operated by state or local public entities, and transportation provided by such entity, may be used without payment by a legislator, committee, or staff of the House. Approval is required under this provision, even if the public entity has the practice of providing the space or service at no cost to other government entities or the general public.

However, this exception does not extend to entertainment venues, food, beverages, entertainment, or free parking privileges at locations other than a legislator’s district office.⁷

Effect of the Bill

¹ Section 11.045(1)(g), F.S. defines the term “lobbyist” to mean “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.”

² Section 11.045(1)(i), F.S.

³ Section 11.045(1)(c), F.S.

⁴ Section 11.045(7), F.S.

⁵ Section 11.045(1)(e), F.S., defines the term “lobbying” to mean 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.”

⁶ Fla. House of Rep. Admin. Policy Manual, Policy 1.11. (Dec. 2014)

⁷ *Id.*

The bill revises the definition of “expenditure” to create an exception for a “public-legislative use.” The bill provides that a “public-legislative use” is the use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist.

B. SECTION DIRECTORY:

Section 1: Amends s. 11.045, F.S., relating to lobbying before the Legislature.

Section 2: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.