

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative López, J. offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 71-581 and insert:

5 **Section 2. For the purpose of incorporating the amendment**  
6 **made by this act to section 112.312, Florida Statutes, in a**  
7 **reference thereto, paragraph (a) of subsection (4) of section**  
8 **106.07, Florida Statutes, is reenacted to read:**

9 106.07 Reports; certification and filing.-

10 (4) (a) Except for daily reports, to which only the  
11 contributions provisions below apply, and except as provided in  
12 paragraph (b), each report required by this section must  
13 contain:

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14           1. The full name, address, and occupation, if any, of each  
15 person who has made one or more contributions to or for such  
16 committee or candidate within the reporting period, together  
17 with the amount and date of such contributions. For  
18 corporations, the report must provide as clear a description as  
19 practicable of the principal type of business conducted by the  
20 corporation. However, if the contribution is \$100 or less or is  
21 from a relative, as defined in s. 112.312, provided that the  
22 relationship is reported, the occupation of the contributor or  
23 the principal type of business need not be listed.

24           2. The name and address of each political committee from  
25 which the reporting committee or the candidate received, or to  
26 which the reporting committee or candidate made, any transfer of  
27 funds, together with the amounts and dates of all transfers.

28           3. Each loan for campaign purposes to or from any person  
29 or political committee within the reporting period, together  
30 with the full names, addresses, and occupations, and principal  
31 places of business, if any, of the lender and endorsers, if any,  
32 and the date and amount of such loans.

33           4. A statement of each contribution, rebate, refund, or  
34 other receipt not otherwise listed under subparagraphs 1.  
35 through 3.

36           5. The total sums of all loans, in-kind contributions, and  
37 other receipts by or for such committee or candidate during the  
38 reporting period. The reporting forms shall be designed to

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39 elicit separate totals for in-kind contributions, loans, and  
40 other receipts.

41 6. The full name and address of each person to whom  
42 expenditures have been made by or on behalf of the committee or  
43 candidate within the reporting period; the amount, date, and  
44 purpose of each such expenditure; and the name and address of,  
45 and office sought by, each candidate on whose behalf such  
46 expenditure was made. However, expenditures made from the petty  
47 cash fund provided by s. 106.12 need not be reported  
48 individually.

49 7. The full name and address of each person to whom an  
50 expenditure for personal services, salary, or reimbursement for  
51 authorized expenses as provided in s. 106.021(3) has been made  
52 and which is not otherwise reported, including the amount, date,  
53 and purpose of such expenditure. However, expenditures made from  
54 the petty cash fund provided for in s. 106.12 need not be  
55 reported individually. Receipts for reimbursement for authorized  
56 expenditures shall be retained by the treasurer along with the  
57 records for the campaign account.

58 8. The total amount withdrawn and the total amount spent  
59 for petty cash purposes pursuant to this chapter during the  
60 reporting period.

61 9. The total sum of expenditures made by such committee or  
62 candidate during the reporting period.

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63           10. The amount and nature of debts and obligations owed by  
64 or to the committee or candidate, which relate to the conduct of  
65 any political campaign.

66           11. Transaction information for each credit card purchase.  
67 Receipts for each credit card purchase shall be retained by the  
68 treasurer with the records for the campaign account.

69           12. The amount and nature of any separate interest-bearing  
70 accounts or certificates of deposit and identification of the  
71 financial institution in which such accounts or certificates of  
72 deposit are located.

73           13. The primary purposes of an expenditure made indirectly  
74 through a campaign treasurer pursuant to s. 106.021(3) for goods  
75 and services such as communications media placement or  
76 procurement services, campaign signs, insurance, and other  
77 expenditures that include multiple components as part of the  
78 expenditure. The primary purpose of an expenditure shall be that  
79 purpose, including integral and directly related components,  
80 that comprises 80 percent of such expenditure.

81           **Section 3. For the purpose of incorporating the amendment**  
82 **made by this act to section 112.312, Florida Statutes, in a**  
83 **reference thereto, paragraph (a) of subsection (4) of section**  
84 **106.0702, Florida Statutes, is reenacted to read:**

85           106.0702 Reporting; political party executive committee  
86 candidates.—

87           (4) (a) Each report required by this section must contain:

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88 1. The full name, address, and occupation of each person  
89 who has made one or more contributions to or for the reporting  
90 individual within the reporting period, together with the amount  
91 and date of such contributions. For corporations, the report  
92 must provide as clear a description as practicable of the  
93 principal type of business conducted by the corporations.  
94 However, if the contribution is \$100 or less or is from a  
95 relative, as defined in s. 112.312, provided that the  
96 relationship is reported, the occupation of the contributor or  
97 the principal type of business need not be listed.

98 2. The name and address of each political committee from  
99 which the reporting individual has received, or to which the  
100 reporting individual has made, any transfer of funds within the  
101 reporting period, together with the amounts and dates of all  
102 transfers.

103 3. Each loan for campaign purposes from any person or  
104 political committee within the reporting period, together with  
105 the full name, address, and occupation, and principal place of  
106 business, if any, of the lender and endorser, if any, and the  
107 date and amount of such loans.

108 4. A statement of each contribution, rebate, refund, or  
109 other receipt not otherwise listed under subparagraphs 1.-3.

110 5. The total sums of all loans, in-kind contributions, and  
111 other receipts by or for such reporting individual during the  
112 reporting period. The reporting forms shall be designed to

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113 | elicit separate totals for in-kind contributions, loans, and  
114 | other receipts.

115 |         6. The full name and address of each person to whom  
116 | expenditures have been made by or on behalf of the reporting  
117 | individual within the reporting period; the amount, date, and  
118 | purpose of each such expenditure; and the name and address of,  
119 | and office sought by, each reporting individual on whose behalf  
120 | such expenditure was made.

121 |         7. The amount and nature of debts and obligations owed by  
122 | or to the reporting individual which relate to the conduct of  
123 | any political campaign.

124 |         8. Transaction information for each credit card purchase.  
125 | Receipts for each credit card purchase shall be retained by the  
126 | reporting individual.

127 |         9. The amount and nature of any separate interest-bearing  
128 | accounts or certificates of deposit and identification of the  
129 | financial institution in which such accounts or certificates of  
130 | deposit are located.

131 |         **Section 4. For the purpose of incorporating the amendment**  
132 | **made by this act to section 112.312, Florida Statutes, in a**  
133 | **reference thereto, section 348.0305, Florida Statutes, is**  
134 | **reenacted to read:**

135 |         348.0305 Ethics requirements.—

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136 (1) Notwithstanding any other provision of law to the  
137 contrary, members and employees of the agency are subject to  
138 part III of chapter 112. As used in this section, the term:

139 (a) "Agency" means the Greater Miami Expressway Agency.

140 (b) "Lobby" means to seek to influence the agency, on  
141 behalf of another person, with respect to a decision of the  
142 agency in an area of policy or procurement or to attempt to  
143 obtain the goodwill of an officer, employee, or consultant of  
144 the agency. The term does not include representing a client in  
145 any stage of applying for or seeking approval of any  
146 administrative action, or opposition to such action, provided  
147 such action does not require legislative discretion and is  
148 subject to judicial review by petitioning for writ of  
149 certiorari.

150 (c) "Lobbyist" means a person who is employed and receives  
151 payment, or who contracts for economic consideration, to lobby  
152 or a person who is principally employed for governmental affairs  
153 by another person or entity to lobby on behalf of such person or  
154 entity. The term does not include a person who:

155 1. Represents a client in a judicial proceeding or in a  
156 formal administrative proceeding before the agency.

157 2. Is an officer or employee of any governmental entity  
158 acting in the normal course of his or her duties.

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159           3. Consults under contract with the agency and  
160 communicates with the agency regarding issues related to the  
161 scope of services in his or her contract.

162           4. Is an expert witness who is retained or employed by an  
163 employer, principal, or client to provide only scientific,  
164 technical, or other specialized information provided in agenda  
165 materials or testimony only in public hearings, provided the  
166 expert identifies such employer, principal, or client at such  
167 hearing.

168           5. Seeks to procure a contract that is less than \$20,000  
169 or a contract pursuant to s. 287.056.

170           (d) "Officer" means a member of the governing body of the  
171 agency.

172           (e) "Principal" has the same meaning as in s. 112.3215.

173           (f) "Relative" has the same meaning as in s. 112.312.

174           (2) (a) A lobbyist may not be appointed or serve as a  
175 member of the governing body of the agency.

176           (b) A person may not be appointed or serve as an officer  
177 if that person currently represents or has in the previous 4  
178 years lobbied the agency or the former Miami-Dade County  
179 Expressway Authority.

180           (c) A person may not be appointed or serve as an officer  
181 if that person has in the previous 4 years done business, or  
182 been an employee of a person or entity that has done business,

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183 with the agency or the former Miami-Dade County Expressway  
184 Authority.

185 (d) A person may not be appointed or serve as an officer  
186 if that person has in the previous 2 years been an employee of  
187 the agency.

188 (3) An officer, employee, or consultant of the agency or  
189 of the former Miami-Dade County Expressway Authority may not,  
190 for a period of 4 years after vacation of his or her position  
191 with the agency:

192 (a) Lobby the agency.

193 (b) Have an employment or contractual relationship with a  
194 business entity in connection with a contract in which the  
195 officer, employee, or consultant personally and substantially  
196 participated through decision, approval, disapproval,  
197 recommendation, rendering of advice, or investigation while he  
198 or she was an officer, employee, or consultant of the agency.  
199 When an agency employee's position is eliminated and his or her  
200 former duties are performed by the business entity, this  
201 paragraph does not prohibit him or her from employment or a  
202 contractual relationship with the business entity if the  
203 employee's participation in the contract was limited to  
204 recommendation, rendering of advice, or investigation and if the  
205 executive director of the agency determines that the best  
206 interests of the agency will be served thereby and provides  
207 prior written approval for the particular employee.

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208 (c) Have or hold any employment or contractual  
209 relationship with a business entity in connection with any  
210 contract for contractual services which was within his or her  
211 responsibility while an officer, employee, or consultant. If an  
212 agency employee's position is eliminated and his or her former  
213 duties are performed by the business entity, this paragraph may  
214 be waived by the executive director of the agency through prior  
215 written approval for the particular employee if the executive  
216 director determines that the best interests of the agency will  
217 be served thereby.

218 (4) Each officer, employee, and consultant of the agency  
219 must promptly disclose:

220 (a) Every relationship that may create a conflict between  
221 his or her private interests and the performance of his or her  
222 duties to the agency or that would impede the full and faithful  
223 discharge of his or her duties to the agency.

224 (b) Any relative and any employment or contractual  
225 relationship of such relative which, if held by the officer,  
226 employee, or consultant, would violate any provision of s.  
227 112.313.

228 (c) Any relative who is a lobbyist and such lobbyist's  
229 principal.

230 (d) Any direct or indirect interest in real property and  
231 such interest of any relative if such property is located within  
232 one-half mile of any actual or prospective agency project. The

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233 executive director of the agency shall provide a corridor map  
234 and a property ownership list reflecting the ownership of all  
235 real property within the disclosure area, or an alignment map  
236 with a list of associated owners, to all officers, employees,  
237 and consultants.

238 (5) The disclosures required under subsection (4) must be  
239 filed with the agency general counsel in the manner specified by  
240 the general counsel. When the disclosure is filed by the general  
241 counsel, a copy must be provided to the executive director of  
242 the agency.

243 (6) A violation of this section shall be considered a  
244 violation of the violator's official, employment, or contractual  
245 duties to the agency.

246 (7) Officers, employees, and consultants of the agency  
247 shall be adequately informed and trained on the provisions of  
248 this section and the state code of ethics and shall receive  
249 ongoing ethics training.

250 (8) The state code of ethics shall apply to officers,  
251 employees, and consultants of the agency, and this section shall  
252 be enforced by the Commission on Ethics as part of the state  
253 code of ethics.

254 (9) For purposes of this section, "consultant" does not  
255 include firms or individuals retained by the agency to provide  
256 architectural, engineering, landscape architecture, or

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257 registered surveying and mapping services as described in s.  
258 287.055.

259 **Section 5. For the purpose of incorporating the amendment**  
260 **made by this act to section 112.312, Florida Statutes, in a**  
261 **reference thereto, section 1001.421, Florida Statutes, is**  
262 **reenacted to read:**

263 1001.421 Gifts.—Notwithstanding any other provision of law  
264 to the contrary, district school board members and their  
265 relatives, as defined in s. 112.312(21), may not directly or  
266 indirectly solicit any gift, or directly or indirectly accept  
267 any gift in excess of \$50, from any person, vendor, potential  
268 vendor, or other entity doing business with the school district.  
269 The term "gift" has the same meaning as in s. 112.312(12).

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272 **T I T L E A M E N D M E N T**

273 Remove lines 5-40 and insert:  
274 parents and foster children; reenacting ss.  
275 106.07(4) (a), 106.0702(4) (a), 348.0305, and 1001.421,  
276 F.S., relating to a campaign treasurer's reports of  
277 campaign contributions; reports of campaign  
278 contributions to candidates for a position on a  
279 political party executive committee; ethical  
280 requirements for officers, employees, and consultants  
281 for the Greater Miami Expressway Agency; and gifts to

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282 | district school board members, respectively, to  
283 | incorporate the amendment made to s. 112.312, F.S., in  
284 | references thereto; providing an effective date.

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