



Florida House of Representatives

Office of the Speaker

Marco Rubio
Speaker

420 Capitol Building
(850) 488-1450

ADVISORY OPINION OF THE SPEAKER 08-03

To: Mary Lou Rajchel, President and CEO of the Florida Trucking Association

From: Marco Rubio, Speaker, Florida House of Representatives

Date: March 31, 2008

Re: Truckers Day at the Capitol Ride-Alongs

You have inquired whether you could provide rides to members and staff in semi-tractor trucks as part of Truckers' Day at the Capitol.

Under the scenario you presented the answer to your question is yes.

The facts of your situation are as follows. You represent the Florida Trucking Association (FTA). FTA is registered as a lobbying principal for the Florida Legislature. FTA has an annual event called "Truckers' Day at the Capitol" which is an opportunity for your members to communicate the importance of safety in the trucking industry to policy makers, members of the press and the general public. The event will be held in the Capitol courtyard.

As part of this informative event you will be providing ride-alongs in semi-tractor trucks from ten o'clock in the morning until two o'clock in the afternoon. These rides are being provided at no charge to the participants. The rides would begin at the west front of the Capitol and travel a fixed route finishing where they started. You have indicated that each rider would be limited to one ride and only those over the age of eighteen would be allowed to ride-along.

You have inquired whether this ride-along would violate any rules or laws governing the Florida House, if offered to members or staff.

Gifts to members from lobbying principals are governed by section 11.045(4)(a), Florida Statutes, which provides:

Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any expenditure...

When this provision was put into law in 2006, the House and the Senate developed interpretative guidelines in order to enforce this provision of law. Those guidelines provided that certain types of expenditures were not contrary to this provision. One type of expenditure that was held not to violate the expenditure ban was free and open to the public events which are described as follows:

Expenditures directly associated with events that are held within the Capitol complex, out-of-doors, or under temporary shelter, open to the general public, widely and publicly noticed, free to all, not ticketed, and for which equal and totally unobstructed access to the general public is provided, are not prohibited expenditures made by lobbyists or principals, or when accepted by legislators or legislative employees.

Your event as described complies with this description. The restrictions you have described, one ride per rider, and no minors do not obstruct access to the public under this set of facts. The rides would have to be provided on a first come, first serve basis with no preferential treatment of members and staff. This is complied with in part by having a uniform route for every rider. There can be no tickets or RSVPs required.

As long as you comply with the standards laid out above, there would be no violation involved in you providing rides to legislators and staff.

Prepared by the Office of the General Counsel pursuant to Rule 16.3(b)

MR/jmh