

By Senator McKay

26-349B-00

1 A bill to be entitled
2 An act relating to legislative lobbying;
3 amending s. 11.045, F.S.; revising procedures
4 for appointing a designated lobbyist to
5 represent a principal that is represented by
6 two or more lobbyists; requiring that a
7 lobbyist file an expenditure report for each
8 period during which the lobbyist is registered;
9 requiring a principal that retains a lobbyist
10 to ensure that expenditure reports are properly
11 filed with the Division of Legislative
12 Information Services within the Office of
13 Legislative Services; revising the period for
14 filing expenditure reports; deleting a
15 requirement that certain supplemental reports
16 be filed; limiting the amount of certain fines
17 that may be assessed against a lobbyist;
18 revising the period for paying fines;
19 authorizing the President of the Senate and the
20 Speaker of the House of Representatives to
21 waive the required filing of an expenditure
22 report; providing for the automatic suspension
23 of a lobbyist's registration following failure
24 to pay a fine; providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsection (3) of section 11.045, Florida
29 Statutes, is amended to read:

30 11.045 Lobbyists; registration and reporting;
31 exemptions; penalties.--

1 (3) Each house of the Legislature shall provide by
2 rule the following reporting requirements:

3 (a) Statements shall be filed by all registered
4 lobbyists two times per year ~~and after each special session of~~
5 ~~the Legislature, which must statements shall~~ disclose all
6 lobbying expenditures by the lobbyist and the principal and
7 the source of funds for such expenditures. All expenditures
8 made by the lobbyist and the principal for the purpose of
9 lobbying must be reported. Reporting of expenditures shall be
10 made on an accrual basis. The report of such expenditures must
11 identify whether the expenditure was made directly by the
12 lobbyist, directly by the principal, initiated or expended by
13 the lobbyist and paid for by the principal, or initiated or
14 expended by the principal and paid for by the lobbyist. The
15 principal is responsible for the accuracy of the expenditures
16 reported as lobbying expenditures made by the principal. The
17 lobbyist is responsible for the accuracy of the expenditures
18 reported as lobbying expenditures made by the lobbyist.
19 Expenditures made must be reported by the category of the
20 expenditure, including, but not limited to, the categories of
21 food and beverages, entertainment, research, communication,
22 media advertising, publications, travel, and lodging.
23 Lobbying expenditures do not include a lobbyist's or
24 principal's salary, office expenses, and personal expenses for
25 lodging, meals, and travel.

26 (b) If a principal is represented by two or more
27 lobbyists, the first lobbyist who registers to represent that
28 principal shall be the designated lobbyist. The designated
29 lobbyist's ~~A principal who is represented by two or more~~
30 ~~lobbyists shall designate one lobbyist whose~~ expenditure
31 report shall include all lobbying expenditures made directly

1 by the principal and those expenditures of the designated
2 lobbyist on behalf of that principal as required by paragraph
3 (a). All other lobbyists registered to represent that
4 principal shall file a report pursuant to paragraph (a). The
5 report of lobbying expenditures by the principal shall be made
6 pursuant to the requirements of paragraph (a). The principal
7 is responsible for the accuracy of figures reported by the
8 designated lobbyist as lobbying expenditures made directly by
9 the principal. The designated lobbyist is responsible for the
10 accuracy of the figures reported as lobbying expenditures made
11 by that lobbyist. Each lobbyist shall file an expenditure
12 report for each period during any portion of which he or she
13 was registered, and each principal shall ensure that an
14 expenditure report is filed for each period during any portion
15 of which the principal was represented by a registered
16 lobbyist.

17 (c) For each reporting period the division shall
18 aggregate the expenditures reported by all of the lobbyists
19 for a principal represented by more than one lobbyist.
20 Further, the division shall aggregate figures that provide a
21 cumulative total of expenditures reported as spent by and on
22 behalf of each principal for the calendar year.

23 (d) The reporting statements shall be filed no later
24 than 45 days after the end of the reporting period. The first
25 report shall include the expenditures for the period from
26 January 1 through June 30 ~~the date of adjournment of the~~
27 ~~regular session of the Legislature, including an extension, if~~
28 ~~any.~~ The second report shall disclose expenditures for the
29 period from July 1 through December 31 ~~the remainder of the~~
30 ~~calendar year. A supplemental report shall be filed no later~~
31 ~~than 45 days after each special session of the Legislature~~

1 ~~which shall disclose expenditures incurred during the period~~
2 ~~since the filing of the last previous report through~~
3 ~~adjournment of the special session.~~ The statements shall be
4 rendered in the identical form provided by the respective
5 houses and shall be open to public inspection. Reporting
6 statements may be filed by electronic means, when feasible.

7 (e) Reports shall be filed not later than 5 p.m. of
8 the report due date. However, any report that is postmarked
9 by the United States Postal Service no later than midnight of
10 the due date shall be deemed to have been filed in a timely
11 manner, and a certificate of mailing obtained from and dated
12 by the United States Postal Service at the time of the
13 mailing, or a receipt from an established courier company
14 which bears a date on or before the due date, shall be proof
15 of mailing in a timely manner.

16 (f) Each house of the Legislature shall provide by
17 rule, or both houses may provide by joint rule, a procedure by
18 which a lobbyist who fails to timely file a report shall be
19 notified and assessed fines. The rule shall provide for the
20 following:

21 1. Upon determining that the report is late, the
22 person designated to review the timeliness of reports shall
23 immediately notify the lobbyist as to the failure to timely
24 file the report and that a fine is being assessed for each
25 late day. The fine shall be \$50 per day per report for each
26 late day, not to exceed \$5,000 per report.

27 2. Upon receipt of the report, the person designated
28 to review the timeliness of reports shall determine the amount
29 of the fine due based upon the earliest of the following:

30 a. When a report is actually received by the lobbyist
31 registration and reporting office.

1 b. When the report is postmarked.
2 c. When the certificate of mailing is dated.
3 d. When the receipt from an established courier
4 company is dated.
5 3. Such fine shall be paid within 30 ~~20~~ days after
6 ~~receipt of~~ the notice of payment due is transmitted by the
7 Lobbyist Registration Office, unless appeal is made to the
8 division. The moneys shall be deposited into the Legislative
9 Lobbyist Registration Trust Fund.
10 4. A fine shall not be assessed against a lobbyist the
11 first time any reports for which the lobbyist is responsible
12 are not timely filed. However, to receive the one-time fine
13 waiver, all reports for which the lobbyist is responsible must
14 be filed within 30 ~~20~~ days after ~~receipt of~~ notice that any
15 reports have not been timely filed is transmitted by the
16 Lobbyist Registration Office. A fine shall be assessed for any
17 subsequent late-filed reports.
18 5. Any lobbyist may appeal or dispute a fine, based
19 upon unusual circumstances surrounding the failure to file on
20 the designated due date, and may request and shall be entitled
21 to a hearing before the General Counsel of the Office of
22 Legislative Services, who shall recommend to the President of
23 the Senate and the Speaker of the House of Representatives, or
24 their respective designees, that the fine be waived in whole
25 or in part for good cause shown. The President of the Senate
26 and the Speaker of the House of Representatives, or their
27 respective designees, may concur in the recommendation and
28 waive the fine in whole or in part. Any such request shall be
29 made within 30 ~~20~~ days after ~~receipt of~~ the notice of payment
30 due is transmitted by the Lobbyist Registration Office. In
31 such case, the lobbyist shall, within the 30-day ~~20-day~~

1 period, notify the person designated to review the timeliness
2 of reports in writing of his or her intention to request a
3 hearing.

4 6. A lobbyist, a lobbyist's legal representative, or
5 the principal of a lobbyist may request that the filing of an
6 expenditure report be waived upon good cause shown, based on
7 unusual circumstances. The request must be filed with the
8 General Counsel of the Office of Legislative Services, who
9 shall make a recommendation concerning the waiver request to
10 the President of the Senate and the Speaker of the House of
11 Representatives. The President of the Senate and the Speaker
12 of the House of Representatives may grant or deny the request.
13 The registration of a lobbyist who fails to timely pay a fine
14 is automatically suspended until the fine is paid or waived.

15 ~~7.6.~~ The person designated to review the timeliness of
16 reports shall notify the director of the division of the
17 failure of a lobbyist to file a report after notice or of the
18 failure of a lobbyist to pay the fine imposed.

19 Section 2. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Provides for the first lobbyist who registers to
25 represent a principal represented by two or more
26 lobbyists to be the designated lobbyist for that
27 principal. Requires that a lobbyist file an expenditure
28 report for each period during which the lobbyist is
29 registered. Requires a principal that retains a lobbyist
30 to ensure that expenditure reports are properly filed
31 within the Division of Legislative Information Services
within the Office of Legislative Services. Requires that
expenditure reports be filed for the period of January 1
through June 30 and the period of July 1 through December
31. Limits the amount of a fine that may be assessed
against a lobbyist to \$5,000 per report. Provides a
procedure to waive the required filing of an expenditure
report. Provides that a lobbyist's registration is
suspended following failure to pay a fine.