

1 A bill to be entitled
2 An act relating to lobbying; amending s. 11.045, F.S.,
3 relating to the requirements that legislative lobbyists
4 register and report as required by legislative rule;
5 requiring reports to include the name and address of each
6 person to whom a lobbying expenditure was made, the
7 amount, date, and purpose of the expenditure, and the name
8 and title of the person for whom the expenditure was made;
9 requiring that expenditures made as open invitations be so
10 designated; revising the period for filing reporting
11 statements; requiring that a lobbyist and principal
12 preserve certain records for a specified period; providing
13 for inspection of such records by a representative of the
14 Legislature; requiring filing by electronic means
15 beginning on a specified date; creating s. 11.0455, F.S.;
16 defining the term "electronic filing system"; providing
17 requirements for lobbyists filing reports with the
18 Division of Legislative Information Services by means of
19 the division's electronic filing system; providing that
20 such reports are considered to be under oath; providing
21 requirements for the electronic filing system; providing
22 for the Legislature to adopt rules to administer the
23 electronic filing system; requiring alternate filing
24 procedures; requiring the issuance of electronic receipts;
25 requiring that the division provide for public access to
26 the data that is filed via the Internet; amending s.
27 112.3215, F.S., relating to the requirements that
28 executive branch and Constitution Revision Commission

29 | lobbyists register and report; requiring reports to
 30 | include the name and address of each person to whom a
 31 | lobbying expenditure was made, the amount, date, and
 32 | purpose of the expenditure and the name, title, and agency
 33 | of the person for whom the expenditure was made; revising
 34 | the period for filing reporting statements; requiring that
 35 | a lobbyist and principal preserve certain records for a
 36 | specified period; requiring filing by electronic means
 37 | beginning on a specified date; creating s. 112.32155,
 38 | F.S.; defining the term "electronic filing system";
 39 | providing requirements for lobbyists filing reports with
 40 | the Commission on Ethics by means of the electronic filing
 41 | system; providing that such reports are considered to be
 42 | under oath; providing requirements for the electronic
 43 | filing system; providing for the commission to adopt rules
 44 | to administer the electronic filing system; requiring
 45 | alternate filing procedures; requiring the issuance of
 46 | electronic receipts; requiring that the commission provide
 47 | for public access to the data that is filed via the
 48 | Internet; specifying the initial reporting period that is
 49 | subject to the requirements of the act; providing
 50 | effective dates.

51 |
 52 | Be It Enacted by the Legislature of the State of Florida:

53 |
 54 | Section 1. Paragraph (e) of subsection (1) and subsection
 55 | (3) of section 11.045, Florida Statutes, are amended to read:
 56 | 11.045 Lobbyists; registration and reporting; exemptions;

57 penalties.--

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

60 (e) "Lobbying" means influencing or attempting to
61 influence legislative action or nonaction through oral or
62 written communication or an attempt to obtain the goodwill of a
63 member or employee of the Legislature or the spouse, child, or
64 parent of such person.

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

67 (a) Statements shall be filed by all registered lobbyists
68 four ~~two~~ times per year, which must disclose all lobbying
69 expenditures by the lobbyist and the principal and the source of
70 funds for such expenditures. All expenditures made by the
71 lobbyist and the principal for the purpose of lobbying must be
72 reported. Reporting of expenditures shall be made on an accrual
73 basis. The report of such expenditures must identify whether the
74 expenditure was made directly by the lobbyist, directly by the
75 principal, initiated or expended by the lobbyist and paid for by
76 the principal, or initiated or expended by the principal and
77 paid for by the lobbyist. The principal is responsible for the
78 accuracy of the expenditures reported as lobbying expenditures
79 made by the principal. The lobbyist is responsible for the
80 accuracy of the expenditures reported as lobbying expenditures
81 made by the lobbyist. Expenditures made must be reported by the
82 category of the expenditure, including, but not limited to, the
83 categories of food and beverages, entertainment, research,
84 communication, media advertising, publications, travel, and

85 lodging. For each expenditure that comprises part of the
86 aggregate total reported in each category, the report must also
87 include the full name and address of each person to whom the
88 expenditure was made; the amount, date, and purpose of the
89 expenditure; and the name and title of the legislator or other
90 person for whom the expenditure was made, or, if the expenditure
91 was made pursuant to an invitation to 10 or more Senators, 10 or
92 more Representatives, 10 or more legislators, or 10 or more
93 legislative staff of either or both houses, the designation
94 "Open Invitation to (the number of invited legislators or
95 legislative staff)". Lobbying expenditures do not include a
96 lobbyist's or principal's salary, office expenses, and personal
97 expenses for lodging, meals, and travel.

98 (b) If a principal is represented by two or more
99 lobbyists, the first lobbyist who registers to represent that
100 principal shall be the designated lobbyist. The designated
101 lobbyist's expenditure report shall include all lobbying
102 expenditures made directly by the principal and those
103 expenditures of the designated lobbyist on behalf of that
104 principal as required by paragraph (a). All other lobbyists
105 registered to represent that principal shall file a report
106 pursuant to paragraph (a). The report of lobbying expenditures
107 by the principal shall be made pursuant to the requirements of
108 paragraph (a). The principal is responsible for the accuracy of
109 figures reported by the designated lobbyist as lobbying
110 expenditures made directly by the principal. The designated
111 lobbyist is responsible for the accuracy of the figures reported
112 as lobbying expenditures made by that lobbyist. Each lobbyist

113 shall file an expenditure report for each period during any
114 portion of which he or she was registered, and each principal
115 shall ensure that an expenditure report is filed for each period
116 during any portion of which the principal was represented by a
117 registered lobbyist.

118 (c) For each reporting period the division shall aggregate
119 the expenditures reported by all of the lobbyists for a
120 principal represented by more than one lobbyist. Further, the
121 division shall aggregate figures that provide a cumulative total
122 of expenditures reported as spent by and on behalf of each
123 principal for the calendar year.

124 (d) The reporting statements shall be filed no later than
125 45 days after the end of each ~~the~~ reporting period and. ~~The~~
126 ~~first report~~ shall include the expenditures for the period from
127 January 1 through March 31, April 1 through June 30, July 1
128 through September 30, and October 1 through December 31,
129 respectively June 30. ~~The second report shall disclose~~
130 ~~expenditures for the period from July 1 through December 31.~~ The
131 statements shall be rendered in the identical form provided by
132 the respective houses and shall be open to public inspection.
133 Reporting statements may be filed by electronic means, when
134 feasible.

135 (e) Reports shall be filed not later than 5 p.m. of the
136 report due date. However, any report that is postmarked by the
137 United States Postal Service no later than midnight of the due
138 date shall be deemed to have been filed in a timely manner, and
139 a certificate of mailing obtained from and dated by the United
140 States Postal Service at the time of the mailing, or a receipt

141 from an established courier company which bears a date on or
 142 before the due date, shall be proof of mailing in a timely
 143 manner.

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

148 1. Upon determining that the report is late, the person
 149 designated to review the timeliness of reports shall immediately
 150 notify the lobbyist as to the failure to timely file the report
 151 and that a fine is being assessed for each late day. The fine
 152 shall be \$50 per day per report for each late day, not to exceed
 153 \$5,000 per report.

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

157 a. When a report is actually received by the lobbyist
 158 registration and reporting office.

159 b. When the report is postmarked.

160 c. When the certificate of mailing is dated.

161 d. When the receipt from an established courier company is
 162 dated.

163 3. Such fine shall be paid within 30 days after the notice
 164 of payment due is transmitted by the Lobbyist Registration
 165 Office, unless appeal is made to the division. The moneys shall
 166 be deposited into the Legislative Lobbyist Registration Trust
 167 Fund.

168 4. A fine shall not be assessed against a lobbyist the

169 first time any reports for which the lobbyist is responsible are
170 not timely filed. However, to receive the one-time fine waiver,
171 all reports for which the lobbyist is responsible must be filed
172 within 30 days after notice that any reports have not been
173 timely filed is transmitted by the Lobbyist Registration Office.

174 A fine shall be assessed for any subsequent late-filed reports.

175 5. Any lobbyist may appeal or dispute a fine, based upon
176 unusual circumstances surrounding the failure to file on the
177 designated due date, and may request and shall be entitled to a
178 hearing before the General Counsel of the Office of Legislative
179 Services, who shall recommend to the President of the Senate and
180 the Speaker of the House of Representatives, or their respective
181 designees, that the fine be waived in whole or in part for good
182 cause shown. The President of the Senate and the Speaker of the
183 House of Representatives, or their respective designees, may
184 concur in the recommendation and waive the fine in whole or in
185 part. Any such request shall be made within 30 days after the
186 notice of payment due is transmitted by the Lobbyist
187 Registration Office. In such case, the lobbyist shall, within
188 the 30-day period, notify the person designated to review the
189 timeliness of reports in writing of his or her intention to
190 request a hearing.

191 6. A lobbyist, a lobbyist's legal representative, or the
192 principal of a lobbyist may request that the filing of an
193 expenditure report be waived upon good cause shown, based on
194 unusual circumstances. The request must be filed with the
195 General Counsel of the Office of Legislative Services, who shall
196 make a recommendation concerning the waiver request to the

197 President of the Senate and the Speaker of the House of
 198 Representatives. The President of the Senate and the Speaker of
 199 the House of Representatives may grant or deny the request. The
 200 registration of a lobbyist who fails to timely pay a fine is
 201 automatically suspended until the fine is paid or waived.

202 7. The person designated to review the timeliness of
 203 reports shall notify the director of the division of the failure
 204 of a lobbyist to file a report after notice or of the failure of
 205 a lobbyist to pay the fine imposed.

206 (g) Each lobbyist and each principal shall preserve for a
 207 period of 4 years all accounts, bills, receipts, computer
 208 records, books, papers, e-mails, ledgers, federal tax
 209 information, and other documents and records necessary to
 210 substantiate lobbying expenditures. Any documents and records
 211 retained pursuant to this subsection may be inspected under
 212 reasonable circumstances by any authorized representative of the
 213 Legislature. The right of inspection may be enforced by
 214 appropriate writ issued by any court of competent jurisdiction.

215 Section 2. Effective April 1, 2006, paragraphs (d) through
 216 (g) of subsection (3) of section 11.045, as amended by this act,
 217 are amended to read:

218 11.045 Lobbyists; registration and reporting; exemptions;
 219 penalties.--

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

222 (d) The reporting statements shall be filed no later than
 223 45 days after the end of each reporting period and shall include
 224 the expenditures for the period from January 1 through March 31,

225 April 1 through June 30, July 1 through September 30, and
 226 October 1 through December 31, respectively. The statements
 227 shall be rendered in the identical form provided by the
 228 respective houses and shall be open to public inspection.
 229 Reporting statements shall ~~may~~ be filed by electronic means as
 230 provided in s. 11.0455, ~~when feasible~~.

231 ~~(e) Reports shall be filed not later than 5 p.m. of the~~
 232 ~~report due date. However, any report that is postmarked by the~~
 233 ~~United States Postal Service no later than midnight of the due~~
 234 ~~date shall be deemed to have been filed in a timely manner, and~~
 235 ~~a certificate of mailing obtained from and dated by the United~~
 236 ~~States Postal Service at the time of the mailing, or a receipt~~
 237 ~~from an established courier company which bears a date on or~~
 238 ~~before the due date, shall be proof of mailing in a timely~~
 239 ~~manner.~~

240 ~~(e)~~^(f) Each house of the Legislature shall provide by
 241 rule, or both houses may provide by joint rule, a procedure by
 242 which a lobbyist who fails to timely file a report shall be
 243 notified and assessed fines. The rule shall provide for the
 244 following:

245 1. Upon determining that the report is late, the person
 246 designated to review the timeliness of reports shall immediately
 247 notify the lobbyist as to the failure to timely file the report
 248 and that a fine is being assessed for each late day. The fine
 249 shall be \$50 per day per report for each late day, not to exceed
 250 \$5,000 per report.

251 2. Upon receipt of the report, the person designated to
 252 review the timeliness of reports shall determine the amount of

253 the fine due based upon the earliest of the following:

254 a. When a report is actually received by the lobbyist

255 registration and reporting office.

256 b. When the electronic receipt issued pursuant to s.

257 11.0455 is dated. ~~When the report is postmarked.~~

258 ~~e. When the certificate of mailing is dated.~~

259 ~~d. When the receipt from an established courier company is~~

260 ~~dated.~~

261 3. Such fine shall be paid within 30 days after the notice

262 of payment due is transmitted by the Lobbyist Registration

263 Office, unless appeal is made to the division. The moneys shall

264 be deposited into the Legislative Lobbyist Registration Trust

265 Fund.

266 4. A fine shall not be assessed against a lobbyist the

267 first time any reports for which the lobbyist is responsible are

268 not timely filed. However, to receive the one-time fine waiver,

269 all reports for which the lobbyist is responsible must be filed

270 within 30 days after notice that any reports have not been

271 timely filed is transmitted by the Lobbyist Registration Office.

272 A fine shall be assessed for any subsequent late-filed reports.

273 5. Any lobbyist may appeal or dispute a fine, based upon

274 unusual circumstances surrounding the failure to file on the

275 designated due date, and may request and shall be entitled to a

276 hearing before the General Counsel of the Office of Legislative

277 Services, who shall recommend to the President of the Senate and

278 the Speaker of the House of Representatives, or their respective

279 designees, that the fine be waived in whole or in part for good

280 cause shown. The President of the Senate and the Speaker of the

281 House of Representatives, or their respective designees, may
282 concur in the recommendation and waive the fine in whole or in
283 part. Any such request shall be made within 30 days after the
284 notice of payment due is transmitted by the Lobbyist
285 Registration Office. In such case, the lobbyist shall, within
286 the 30-day period, notify the person designated to review the
287 timeliness of reports in writing of his or her intention to
288 request a hearing.

289 6. A lobbyist, a lobbyist's legal representative, or the
290 principal of a lobbyist may request that the filing of an
291 expenditure report be waived upon good cause shown, based on
292 unusual circumstances. The request must be filed with the
293 General Counsel of the Office of Legislative Services, who shall
294 make a recommendation concerning the waiver request to the
295 President of the Senate and the Speaker of the House of
296 Representatives. The President of the Senate and the Speaker of
297 the House of Representatives may grant or deny the request. The
298 registration of a lobbyist who fails to timely pay a fine is
299 automatically suspended until the fine is paid or waived.

300 7. The person designated to review the timeliness of
301 reports shall notify the director of the division of the failure
302 of a lobbyist to file a report after notice or of the failure of
303 a lobbyist to pay the fine imposed.

304 (f)~~(g)~~ Each lobbyist and each principal shall preserve for
305 a period of 4 years all accounts, bills, receipts, computer
306 records, books, papers, e-mails, ledgers, federal tax
307 information, and other documents and records necessary to
308 substantiate lobbying expenditures. Any documents and records

309 retained pursuant to this subsection may be inspected under
310 reasonable circumstances by any authorized representative of the
311 Legislature. The right of inspection may be enforced by
312 appropriate writ issued by any court of competent jurisdiction.

313 Section 3. Effective April 1, 2006, section 11.0455,
314 Florida Statutes, is created to read:

315 11.0455 Electronic filing of lobbying reports.--

316 (1) As used in this section, the term "electronic filing
317 system" means an Internet system for recording and reporting
318 lobbying expenditures and other required information by
319 reporting period.

320 (2) Each lobbyist who is required to file reports with the
321 Division of Legislative Information Services pursuant to s.
322 11.045 must file such reports with the division by means of the
323 division's electronic filing system.

324 (3) A report filed pursuant to this section must be
325 completed and filed through the electronic filing system not
326 later than 11:59 p.m. of the day designated in s. 11.045. A
327 report not filed by 11:59 p.m. of the day designated is a late-
328 filed report and is subject to the penalties under s. 11.045(3).

329 (4) Each report filed pursuant to this section is
330 considered to be under oath by the lobbyist, or the designated
331 lobbyist and principal, whichever is applicable, and such
332 persons are subject to the provisions of s. 11.045(6) and (7).
333 Persons given a secure sign-on to the electronic filing system
334 are responsible for protecting it from disclosure and are
335 responsible for all filings using such credentials, unless they
336 have notified the division that their credentials have been

337 compromised.

338 (5) The electronic filing system developed by the division
 339 must:

340 (a) Be based on access by means of the Internet.

341 (b) Be accessible by anyone with Internet access using
 342 standard web-browsing software.

343 (c) Provide for direct entry of information as well as
 344 upload of such information from software authorized by the
 345 division.

346 (d) Provide a method that prevents unauthorized access to
 347 electronic filing system functions.

348 (6) Each house of the Legislature shall provide by rule,
 349 or may provide by a joint rule adopted by both houses,
 350 procedures to administer this section, including, but not
 351 limited to:

352 (a) Alternate filing procedures in case the division's
 353 electronic filing system is not operable.

354 (b) The issuance of an electronic receipt to the person
 355 submitting the report indicating and verifying the date and time
 356 that the report was filed.

357 (7) The division shall make all the data filed available
 358 on the Internet in an easily understood and accessible format.

359 Section 4. Paragraph (d) of subsection (1) and subsection
 360 (5) of section 112.3215, Florida Statutes, are amended to read:

361 112.3215 Lobbyists before the executive branch or the
 362 Constitution Revision Commission; registration and reporting;
 363 investigation by commission.--

364 (1) For the purposes of this section:

365 (d) "Lobbies" means seeking, ~~on behalf of another person,~~
 366 to influence an agency with respect to a decision of the agency
 367 in the area of policy or procurement or an attempt to obtain the
 368 goodwill of an agency official or employee or the spouse, child,
 369 or parent of such person. "Lobbies" also means influencing or
 370 attempting to influence, ~~on behalf of another,~~ the Constitution
 371 Revision Commission's action or nonaction through oral or
 372 written communication or an attempt to obtain the goodwill of a
 373 member or employee of the Constitution Revision Commission or
 374 the spouse, child, or parent of such person.

375 (5)(a) A registered lobbyist must also submit to the
 376 commission, quarterly ~~biannually~~, a signed expenditure report
 377 summarizing all lobbying expenditures by the lobbyist and the
 378 principal for each 3-month ~~6-month~~ period during any portion of
 379 which the lobbyist is registered. All expenditures made by the
 380 lobbyist and the principal for the purpose of lobbying must be
 381 reported. Reporting of expenditures shall be on an accrual
 382 basis. The report of such expenditures must identify whether the
 383 expenditure was made directly by the lobbyist, directly by the
 384 principal, initiated or expended by the lobbyist and paid for by
 385 the principal, or initiated or expended by the principal and
 386 paid for by the lobbyist. The principal is responsible for the
 387 accuracy of the expenditures reported as lobbying expenditures
 388 made by the principal. The lobbyist is responsible for the
 389 accuracy of the expenditures reported as lobbying expenditures
 390 made by the lobbyist. Expenditures made must be reported by the
 391 category of the expenditure, including, but not limited to, the
 392 categories of food and beverages, entertainment, research,

393 communication, media advertising, publications, travel, and
 394 lodging. For each expenditure that comprises part of the
 395 aggregate total reported in each category, the report must also
 396 include the full name and address of each person to whom the
 397 expenditure was made; the amount, date, and purpose of the
 398 expenditure; and the name, title, and agency of the person for
 399 whom the expenditure was made, or, if the expenditure was made
 400 pursuant to an invitation to 10 or more officials or employees
 401 of an agency or agencies or the Constitution Revision
 402 Commission, the designation "Open Invitation to (the number of
 403 such invited persons)". Lobby expenditures do not include a
 404 lobbyist's or principal's salary, office expenses, and personal
 405 expenses for lodging, meals, and travel.

406 (b) A principal who is represented by two or more
 407 lobbyists shall designate one lobbyist whose expenditure report
 408 shall include all lobbying expenditures made directly by the
 409 principal and those expenditures of the designated lobbyist on
 410 behalf of that principal as required by paragraph (a). All other
 411 lobbyists registered to represent that principal shall file a
 412 report pursuant to paragraph (a). The report of lobbying
 413 expenditures by the principal shall be made pursuant to the
 414 requirements of paragraph (a). The principal is responsible for
 415 the accuracy of figures reported by the designated lobbyist as
 416 lobbying expenditures made directly by the principal. The
 417 designated lobbyist is responsible for the accuracy of the
 418 figures reported as lobbying expenditures made by that lobbyist.

419 (c) For each reporting period the commission shall
 420 aggregate the expenditures of all lobbyists for a principal

421 represented by more than one lobbyist. Further, the commission
422 shall aggregate figures that provide a cumulative total of
423 expenditures reported as spent by and on behalf of each
424 principal for the calendar year.

425 (d) The reporting statements shall be filed no later than
426 45 days after the end of each reporting period and shall include
427 the expenditures for the period from January 1 through March 31
428 ~~June 30~~, April 1 through June 30, ~~and~~ July 1 through September
429 30, and October 1 through December 31, respectively.

430 (e) Reports shall be filed not later than 5 p.m. of the
431 report due date. However, any report that is postmarked by the
432 United States Postal Service no later than midnight of the due
433 date shall be deemed to have been filed in a timely manner, and
434 a certificate of mailing obtained from and dated by the United
435 States Postal Service at the time of the mailing, or a receipt
436 from an established courier company which bears a date on or
437 before the due date, shall be proof of mailing in a timely
438 manner.

439 (f) The commission shall provide by rule a procedure by
440 which a lobbyist who fails to timely file a report shall be
441 notified and assessed fines. The rule shall provide for the
442 following:

443 1. Upon determining that the report is late, the person
444 designated to review the timeliness of reports shall immediately
445 notify the lobbyist as to the failure to timely file the report
446 and that a fine is being assessed for each late day. The fine
447 shall be \$50 per day per report for each late day up to a
448 maximum of \$5,000 per late report.

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

452 a. When a report is actually received by the lobbyist
453 registration and reporting office.

454 b. When the report is postmarked.

455 c. When the certificate of mailing is dated.

456 d. When the receipt from an established courier company is
457 dated.

458 3. Such fine shall be paid within 30 days after the notice
459 of payment due is transmitted by the Lobbyist Registration
460 Office, unless appeal is made to the commission. The moneys
461 shall be deposited into the Executive Branch Lobby Registration
462 Trust Fund.

463 4. A fine shall not be assessed against a lobbyist the
464 first time any reports for which the lobbyist is responsible are
465 not timely filed. However, to receive the one-time fine waiver,
466 all reports for which the lobbyist is responsible must be filed
467 within 30 days after the notice that any reports have not been
468 timely filed is transmitted by the Lobbyist Registration Office.
469 A fine shall be assessed for any subsequent late-filed reports.

470 5. Any lobbyist may appeal or dispute a fine, based upon
471 unusual circumstances surrounding the failure to file on the
472 designated due date, and may request and shall be entitled to a
473 hearing before the commission, which shall have the authority to
474 waive the fine in whole or in part for good cause shown. Any
475 such request shall be made within 30 days after the notice of
476 payment due is transmitted by the Lobbyist Registration Office.

477 In such case, the lobbyist shall, within the 30-day period,
 478 notify the person designated to review the timeliness of reports
 479 in writing of his or her intention to bring the matter before
 480 the commission.

481 6. The person designated to review the timeliness of
 482 reports shall notify the commission of the failure of a lobbyist
 483 to file a report after notice or of the failure of a lobbyist to
 484 pay the fine imposed.

485 7. Notwithstanding any provision of chapter 120, any fine
 486 imposed under this subsection that is not waived by final order
 487 of the commission and that remains unpaid more than 60 days
 488 after the notice of payment due or more than 60 days after the
 489 commission renders a final order on the lobbyist's appeal shall
 490 be collected by the Department of Financial Services as a claim,
 491 debt, or other obligation owed to the state, and the department
 492 may assign the collection of such fine to a collection agent as
 493 provided in s. 17.20.

494 (g) The commission shall adopt a rule which allows
 495 reporting statements to be filed by electronic means, when
 496 feasible.

497 (h) Each lobbyist and each principal shall preserve for a
 498 period of 4 years all accounts, bills, receipts, computer
 499 records, books, papers, e-mails, ledgers, federal tax
 500 information, and other documents and records necessary to
 501 substantiate lobbying expenditures. Any documents and records
 502 retained pursuant to this subsection ~~section~~ may be inspected
 503 under reasonable circumstances by any authorized representative
 504 of the commission. The right of inspection may be enforced by

505 appropriate writ issued by any court of competent jurisdiction.

506 Section 5. Effective April 1, 2006, section 112.32155,
 507 Florida Statutes, is created to read:

508 112.32155 Electronic filing of lobbying reports.--

509 (1) As used in this section, the term "electronic filing
 510 system" means an Internet system for recording and reporting
 511 lobbying expenditures and other required information by
 512 reporting period.

513 (2) Each lobbyist who is required to file reports with the
 514 Commission on Ethics pursuant to s. 112.3215 must file such
 515 reports with the commission by means of the electronic filing
 516 system.

517 (3) A report filed pursuant to this section must be
 518 completed and filed through the electronic filing system not
 519 later than 11:59 p.m. of the day designated in s. 112.3215. A
 520 report not filed by 11:59 p.m. of the day designated is a late-
 521 filed report and is subject to the penalties under s.
 522 112.3215(5).

523 (4) Each report filed pursuant to this section is
 524 considered to be under oath by the lobbyist, or the designated
 525 lobbyist and principal, whichever is applicable. Persons given a
 526 secure sign-on to the electronic filing system are responsible
 527 for protecting it from disclosure and are responsible for all
 528 filings using such credentials, unless they have notified the
 529 division that their credentials have been compromised.

530 (5) The electronic filing system must:

531 (a) Be based on access by means of the Internet.

532 (b) Be accessible by anyone with Internet access using

533 standard web-browsing software.

534 (c) Provide for direct entry of information as well as
 535 upload of such information from software authorized by the
 536 commission.

537 (d) Provide a method that prevents unauthorized access to
 538 electronic filing system functions.

539 (6) The commission shall provide by rule procedures to
 540 administer this section, including, but not limited to:

541 (a) Alternate filing procedures in case the electronic
 542 filing system is not operable.

543 (b) The issuance of an electronic receipt to the person
 544 submitting the report indicating and verifying the date and time
 545 that the report was filed.

546 (7) The commission shall make all the data filed available
 547 on the Internet in an easily understood and accessible format.

548 Section 6. Effective April 1, 2006, paragraphs (d) through
 549 (h) of subsection (5) of section 112.3215, Florida Statutes, as
 550 amended by this act, are amended to read:

551 112.3215 Lobbyists before the executive branch or the
 552 Constitution Revision Commission; registration and reporting;
 553 investigation by commission.--

554 (5)

555 (d) The reporting statements shall be filed no later than
 556 45 days after the end of each reporting period and shall include
 557 the expenditures for the period from January 1 through March 31,
 558 April 1 through June 30, July 1 through September 30, and
 559 October 1 through December 31, respectively. Reporting
 560 statements must be filed by electronic means as provided in s.

561 112.32155.

562 ~~(e) Reports shall be filed not later than 5 p.m. of the~~
 563 ~~report due date. However, any report that is postmarked by the~~
 564 ~~United States Postal Service no later than midnight of the due~~
 565 ~~date shall be deemed to have been filed in a timely manner, and~~
 566 ~~a certificate of mailing obtained from and dated by the United~~
 567 ~~States Postal Service at the time of the mailing, or a receipt~~
 568 ~~from an established courier company which bears a date on or~~
 569 ~~before the due date, shall be proof of mailing in a timely~~
 570 ~~manner.~~

571 (e)~~(f)~~ The commission shall provide by rule a procedure by
 572 which a lobbyist who fails to timely file a report shall be
 573 notified and assessed fines. The rule shall provide for the
 574 following:

575 1. Upon determining that the report is late, the person
 576 designated to review the timeliness of reports shall immediately
 577 notify the lobbyist as to the failure to timely file the report
 578 and that a fine is being assessed for each late day. The fine
 579 shall be \$50 per day per report for each late day up to a
 580 maximum of \$5,000 per late report.

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

584 a. When a report is actually received by the lobbyist
 585 registration and reporting office.

586 b. When the electronic receipt issued pursuant to s.
 587 112.32155 is dated. ~~When the report is postmarked.~~

588 ~~e. When the certificate of mailing is dated.~~

589 ~~d. When the receipt from an established courier company is~~
590 ~~dated.~~

591 3. Such fine shall be paid within 30 days after the notice
592 of payment due is transmitted by the Lobbyist Registration
593 Office, unless appeal is made to the commission. The moneys
594 shall be deposited into the Executive Branch Lobby Registration
595 Trust Fund.

596 4. A fine shall not be assessed against a lobbyist the
597 first time any reports for which the lobbyist is responsible are
598 not timely filed. However, to receive the one-time fine waiver,
599 all reports for which the lobbyist is responsible must be filed
600 within 30 days after the notice that any reports have not been
601 timely filed is transmitted by the Lobbyist Registration Office.
602 A fine shall be assessed for any subsequent late-filed reports.

603 5. Any lobbyist may appeal or dispute a fine, based upon
604 unusual circumstances surrounding the failure to file on the
605 designated due date, and may request and shall be entitled to a
606 hearing before the commission, which shall have the authority to
607 waive the fine in whole or in part for good cause shown. Any
608 such request shall be made within 30 days after the notice of
609 payment due is transmitted by the Lobbyist Registration Office.
610 In such case, the lobbyist shall, within the 30-day period,
611 notify the person designated to review the timeliness of reports
612 in writing of his or her intention to bring the matter before
613 the commission.

614 6. The person designated to review the timeliness of
615 reports shall notify the commission of the failure of a lobbyist
616 to file a report after notice or of the failure of a lobbyist to

617 pay the fine imposed.

618 7. Notwithstanding any provision of chapter 120, any fine
619 imposed under this subsection that is not waived by final order
620 of the commission and that remains unpaid more than 60 days
621 after the notice of payment due or more than 60 days after the
622 commission renders a final order on the lobbyist's appeal shall
623 be collected by the Department of Financial Services as a claim,
624 debt, or other obligation owed to the state, and the department
625 may assign the collection of such fine to a collection agent as
626 provided in s. 17.20.

627 ~~(g) The commission shall adopt a rule which allows~~
628 ~~reporting statements to be filed by electronic means, when~~
629 ~~feasible.~~

630 (f)(h) Each lobbyist and each principal shall preserve for
631 a period of 4 years all accounts, bills, receipts, computer
632 records, books, papers, e-mails, ledgers, federal tax
633 information, and other documents and records necessary to
634 substantiate lobbying expenditures. Any documents and records
635 retained pursuant to this subsection may be inspected under
636 reasonable circumstances by any authorized representative of the
637 commission. The right of inspection may be enforced by
638 appropriate writ issued by any court of competent jurisdiction.

639 Section 7. The first lobbying reports subject to the
640 amended reporting requirements in this act must be filed by May
641 15, 2006, and encompass the reporting period from January 1,
642 2006, through March 31, 2006.

643 Section 8. Except as otherwise provided herein, this act
644 shall take effect January 1, 2006.