

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 11.045, Florida Statutes, is amended to
6 read:

7 11.045 Lobbyists; registration and reporting; exemptions;
8 penalties.--

9 (1) As used in this section, unless the context otherwise
10 requires:

11 (a) "Committee" means the committee of each house charged
12 by the presiding officer with responsibility for ethical conduct
13 of lobbyists.

14 (b) "Division" means the Division of Legislative
15 Information Services within the Office of Legislative Services.

115177

Amendment No. (for drafter's use only)

16 (c) "Expenditure" means a payment, distribution, loan,
17 advance, reimbursement, deposit, or anything of value made by a
18 lobbyist or principal for the purpose of lobbying.

19 (d) "Legislative action" means introduction, sponsorship,
20 testimony, debate, voting, or any other official action on any
21 measure, resolution, amendment, nomination, appointment, or
22 report of, or any matter which may be the subject of action by,
23 either house of the Legislature or any committee thereof.

24 (e) "Lobbying" means influencing or attempting to
25 influence legislative action or nonaction through oral or
26 written communication or an attempt to obtain the goodwill of a
27 member or employee of the Legislature. Food and beverages paid
28 for or provided, directly or indirectly, by a lobbyist or
29 principal to, or for the benefit of, a member or employee of the
30 Legislature is deemed an attempt to obtain the goodwill of the
31 member or employee unless the lobbyist or principal is the
32 member's or employee's parent, spouse, child, sibling,
33 grandparent or grandchild.

34 (f) "Lobbying firm" means any business entity, including
35 an individual contract lobbyist, that receives or becomes
36 entitled to receive any compensation for the purpose of
37 lobbying, where any partner, owner, officer, or employee of the
38 business entity is a lobbyist.

39 ~~(g)(f)~~ "Lobbyist" means a person who is employed and
40 receives payment, or who contracts for economic consideration,
41 for the purpose of lobbying, or a person who is principally
42 employed for governmental affairs by another person or

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

43 governmental entity to lobby on behalf of that other person or
44 governmental entity.

45 ~~(h)(g)~~ "Principal" means the person, firm, corporation, or
46 other entity which has employed or retained a lobbyist,
47 including a lobbying firm that subcontracts work.

48 (2) Each house of the Legislature shall provide by rule,
49 or may provide by a joint rule adopted by both houses, for the
50 registration of lobbyists who lobby the Legislature. The rule
51 may provide for the payment of a registration fee. The rule may
52 provide for exemptions from registration or registration fees.
53 The rule shall provide that:

54 (a) Registration is required for each principal
55 represented.

56 (b) Registration shall include a statement signed by the
57 principal or principal's representative that the registrant is
58 authorized to represent the principal. The principal shall also
59 designate the most recent North American Industry Classification
60 System numerical code and corresponding index entry that most
61 accurately describes the principal's main business on the
62 statement authorizing the principal's designated lobbyist.

63 (c) A registrant shall promptly send a written statement
64 to the division canceling the registration for a principal upon
65 termination of the lobbyist's representation of that principal.
66 Notwithstanding this requirement, the division may remove the
67 name of a registrant from the list of registered lobbyists if
68 the principal notifies the office that a person is no longer
69 authorized to represent that principal.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

70 (d) Every registrant shall be required to state the extent
71 of any direct business association or partnership with any
72 current member of the Legislature.

73 (e)1. Each lobbyist and each principal shall preserve for
74 a period of 4 years all accounts, bills, receipts, computer
75 records, books, papers, and other documents and records
76 necessary to substantiate lobbying expenditures. Any documents
77 and records retained pursuant to this section may be inspected
78 under reasonable circumstances by any authorized representative
79 of the Legislature. The right of inspection may be enforced in
80 circuit court by appropriate writ issued by any court of
81 competent jurisdiction.

82 2. Each lobbying firm and each principal shall preserve
83 for a period of 4 years all accounts, bills, receipts, computer
84 records, books, papers, and other documents and records
85 necessary to substantiate compensation. Any documents and
86 records retained pursuant to this section may be subpoenaed for
87 audit by the Auditor General pursuant to s. 11.45 and such
88 subpoena may be enforced in circuit court.

89 (f) All registrations shall be open to the public.

90 (g) Any person who is exempt from registration under the
91 rule shall not be considered a lobbyist for any purpose.

92 (h) No person convicted of a felony shall register as a
93 lobbyist pursuant to this subsection, until the person:

94 1. Has been released from incarceration and any
95 postconviction supervision, and has paid all court costs and
96 court-ordered restitution;

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

97 2. Has had his or her civil rights restored; or

98 3. Has been authorized by affirmative vote of each house
99 of the Legislature to register as a lobbyist.

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

102 (a) Statements shall be filed by all registered lobbyists
103 four ~~two~~ times per year, which must disclose all lobbying
104 expenditures by the lobbyist and the principal and the source of
105 funds for such expenditures. All expenditures made by the
106 lobbyist and the principal for the purpose of lobbying must be
107 reported. Reporting of expenditures shall be made on an accrual
108 basis. The report of such expenditures must identify whether the
109 expenditure was made directly by the lobbyist, directly by the
110 principal, initiated or expended by the lobbyist and paid for by
111 the principal, or initiated or expended by the principal and
112 paid for by the lobbyist. The principal is responsible for the
113 accuracy of the expenditures reported as lobbying expenditures
114 made by the principal. The lobbyist is responsible for the
115 accuracy of the expenditures reported as lobbying expenditures
116 made by the lobbyist. Expenditures made must be reported in the
117 aggregate in either the category "food and beverages" or
118 "novelty items." ~~by the category of the expenditure, including,~~
119 ~~but not limited to, the categories of food and beverages,~~
120 ~~entertainment, research, communication, media advertising,~~
121 ~~publications, travel, and lodging.~~ For each expenditure that
122 comprises part of the aggregate total reported in the "food and
123 beverages" category, the report must also include the full name

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

124 and address of each person to whom the expenditure was made; the
125 date of the expenditure; and the name and title of the member or
126 employee of the Legislature for whom the expenditure was made.

127 Lobbying expenditures do not include a lobbyist's or principal's
128 salary, office expenses, and personal expenses for lodging,
129 meals, and travel.

130 (b) If a principal is represented by two or more
131 lobbyists, the first lobbyist who registers to represent that
132 principal shall be the designated lobbyist. The designated
133 lobbyist's expenditure report shall include all lobbying
134 expenditures made directly by the principal and those
135 expenditures of the designated lobbyist on behalf of that
136 principal as required by paragraph (a). All other lobbyists
137 registered to represent that principal shall file a report
138 pursuant to paragraph (a). The report of lobbying expenditures
139 by the principal shall be made pursuant to the requirements of
140 paragraph (a). The principal is responsible for the accuracy of
141 figures reported by the designated lobbyist as lobbying
142 expenditures made directly by the principal. The designated
143 lobbyist is responsible for the accuracy of the figures reported
144 as lobbying expenditures made by that lobbyist. Each lobbyist
145 shall file an expenditure report for each period during any
146 portion of which he or she was registered, and each principal
147 shall ensure that an expenditure report is filed for each period
148 during any portion of which the principal was represented by a
149 registered lobbyist. A principal may submit a written statement

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

150 that a sole lobbyist or a designated lobbyist may sign
151 expenditure reports on behalf of the principal.

152 (c)1. Each lobbyist, including a designated lobbyist,
153 shall identify on the activity report all general areas of the
154 principal's legislative interest that were lobbied during the
155 reporting period.

156 2. For each general area of legislative interest
157 designated, the lobbyist shall provide a detailed written
158 description of all specific issues lobbied within the general
159 area.

160 3. The report shall contain the:

161 a. Full name, business address, and telephone number of
162 the lobbying firm.

163 b. Name of each of the firm's lobbyists.

164 c. Full name, business address, and telephone number of
165 the principal.

166 (d)(e) For each reporting period the division shall
167 aggregate the expenditures reported by all of the lobbyists for
168 a principal represented by more than one lobbyist. Further, the
169 division shall aggregate figures that provide a cumulative total
170 of expenditures reported as spent by and on behalf of each
171 principal for the calendar year.

172 (e)(d) The expenditure reporting statements shall be filed
173 no later than 45 days after the end of each ~~the~~ reporting
174 period. The four reporting periods are ~~The first report shall~~
175 ~~include the expenditures for the period~~ from January 1 through
176 March 31, April 1 through June 30, July 1 through September 30,

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

177 ~~and October 1 through December 31, respectively June 30. The~~
178 ~~second report shall disclose expenditures for the period from~~
179 ~~July 1 through December 31. The statements shall be rendered in~~
180 ~~the identical form provided by the respective houses and shall~~
181 ~~be open to public inspection. Reporting statements shall ~~may~~ be~~
182 ~~filed by electronic means as provided in s. 11.0455, ~~when~~~~
183 ~~feasible.~~

184 ~~(c) Reports shall be filed not later than 5 p.m. of the~~
185 ~~report due date. However, any report that is postmarked by the~~
186 ~~United States Postal Service no later than midnight of the due~~
187 ~~date shall be deemed to have been filed in a timely manner, and~~
188 ~~a certificate of mailing obtained from and dated by the United~~
189 ~~States Postal Service at the time of the mailing, or a receipt~~
190 ~~from an established courier company which bears a date on or~~
191 ~~before the due date, shall be proof of mailing in a timely~~
192 ~~manner.~~

193 (f) Each house of the Legislature shall provide by rule,
194 or both houses may provide by joint rule, a procedure by which a
195 lobbying firm or lobbyist who fails to timely file a report
196 shall be notified and assessed fines. The rule shall provide
197 for the following:

198 1. Upon determining that the report is late, the person
199 designated to review the timeliness of reports shall immediately
200 notify the lobbying firm or lobbyist as to the failure to timely
201 file the report and that a fine is being assessed for each late
202 day. The fine shall be \$50 per day per report for each late day,
203 not to exceed \$5,000 per report. However, in the event a

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

204 principal has failed to respond to a request to sign a report
205 timely filed by the lobbyist, such request made by the lobbyist
206 by certified mail at least 10 days prior to the reporting date,
207 the fine shall not exceed \$100.

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

211 a. When a report is actually received by the lobbyist
212 registration and reporting office.

213 b. When the electronic receipt issued pursuant to s.
214 11.0455 is dated ~~When the report is postmarked.~~

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

216 ~~d. When the receipt from an established courier company is~~
217 ~~dated.~~

218 3. Such fine shall be paid within 30 days after the notice
219 of payment due is transmitted by the Lobbyist Registration
220 Office, unless appeal is made to the division. The moneys shall
221 be deposited into the Legislative Lobbyist Registration Trust
222 Fund.

223 4. A fine shall not be assessed against a lobbying firm or
224 lobbyist the first time any reports for which the lobbying firm
225 or lobbyist is responsible are not timely filed. However, to
226 receive the one-time fine waiver, all reports for which the
227 lobbying firm or lobbyist is responsible must be filed within 30
228 days after notice that any reports have not been timely filed is
229 transmitted by the Lobbyist Registration Office. A fine shall be
230 assessed for any subsequent late-filed reports.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

231 5. Any lobbying firm or lobbyist may appeal or dispute a
232 fine, based upon unusual circumstances surrounding the failure
233 to file on the designated due date, and may request and shall be
234 entitled to a hearing before the General Counsel of the Office
235 of Legislative Services, who shall recommend to the President of
236 the Senate and the Speaker of the House of Representatives, or
237 their respective designees, that the fine be waived in whole or
238 in part for good cause shown. The President of the Senate and
239 the Speaker of the House of Representatives, or their respective
240 designees, may concur in the recommendation and waive the fine
241 in whole or in part. Any such request shall be made within 30
242 days after the notice of payment due is transmitted by the
243 Lobbyist Registration Office. In such case, the lobbying firm
244 or lobbyist shall, within the 30-day period, notify the person
245 designated to review the timeliness of reports in writing of his
246 or her intention to request a hearing.

247 6. A lobbyist, ~~a lobbyist's legal representative,~~ or the
248 principal of a lobbyist may request that the filing of an
249 expenditure report be waived upon good cause shown, based on
250 unusual circumstances. The request must be filed with the
251 General Counsel of the Office of Legislative Services, who shall
252 make a recommendation concerning the waiver request to the
253 President of the Senate and the Speaker of the House of
254 Representatives. The President of the Senate and the Speaker of
255 the House of Representatives may grant or deny the request.

256 7. The registration of a lobbyist who fails to timely pay
257 a fine is automatically suspended until the fine is paid or

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

258 waived. All lobbyist registrations for lobbyists who are
259 partners, owners, officers, or employees of a lobbying firm that
260 fails to timely pay a fine are automatically suspended until the
261 fine is paid or waived; the division shall promptly notify all
262 affected principals of any suspension or reinstatement.

263 8.7. The person designated to review the timeliness of
264 reports shall notify the director of the division of the failure
265 of a lobbying firm or lobbyist to file a report after notice or
266 of the failure of a lobbying firm or lobbyist to pay the fine
267 imposed.

268 (4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
269 other provision of law to the contrary, no lobbyist or principal
270 shall make, directly or indirectly, and no member or employee of
271 the Legislature shall knowingly accept, directly or indirectly,
272 any lobbying expenditure, except for:

273 1. Food and beverages:

274 a. Consumed at a single sitting or meal;

275 b. Paid for solely by lobbyists or principals who are
276 present for the duration of the sitting or meal;

277 c. Where the actual value attributable to members and
278 employees of the Legislature is determinable;

279 d. Provided that the actual gross value attributable to a
280 member or employee of the Legislature from all lobbyists and
281 principals paying for the food and beverages, including any
282 value attributable pursuant to paragraph (b), does not exceed
283 \$100.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

284 2. Novelty items having an individual retail value of \$25
285 or less provided to all members of the Senate or House of
286 Representatives during any regular or special session, or
287 provided during any week during which the Senate or House has
288 scheduled committee meetings. Such novelty items may also be
289 distributed to the staff of either or both houses, subject to
290 the same timing constraints.

291 (b) The value of any food and beverages provided to a
292 spouse or child of a member or employee of the Legislature shall
293 be attributed to the member or employee, as appropriate.

294 (c) No principal shall provide compensation for lobbying
295 to any individual or business entity that is not a lobbying
296 firm.

297 (5)(4) Each house of the Legislature shall provide by rule
298 a procedure by which a person, when in doubt about the
299 applicability and interpretation of this section in a particular
300 context, may submit in writing the facts for an advisory opinion
301 to the committee of either house and may appear in person before
302 the committee. The rule shall provide a procedure by which:

303 (a) The committee shall render advisory opinions to any
304 person who seeks advice as to whether the facts in a particular
305 case would constitute a violation of this section.

306 (b) The committee shall make sufficient deletions to
307 prevent disclosing the identity of persons in the decisions or
308 opinions.

309 (c) All advisory opinions of the committee shall be
310 numbered, dated, and open to public inspection.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

311 ~~(6)(5)~~ Each house of the Legislature shall provide by rule
312 for keeping ~~keep~~ all advisory opinions of the committees
313 relating to lobbying firms, lobbyists, and lobbying activities.
314 ~~as well as~~ The rule shall also provide that each house keep a
315 current list of registered lobbyists and their respective
316 reports required under this section, along with reports required
317 of lobbying firms under this section, all of which shall be open
318 for public inspection.

319 ~~(7)(6)~~ Each house of the Legislature shall provide by rule
320 that the committee of either house ~~shall investigate any~~
321 lobbying firm or lobbyist ~~person engaged in legislative lobbying~~
322 upon receipt of a sworn complaint alleging a violation of this
323 section, s. 112.3148, or s. 112.3149 by such person. Such
324 proceedings shall be conducted pursuant to the rules of the
325 respective houses. If the committee finds that there has been a
326 violation of this section, s. 112.3148, or s. 112.3149, it shall
327 report its findings to the President of the Senate or the
328 Speaker of the House of Representatives, as appropriate,
329 together with a recommended penalty, to include a fine of not
330 more than \$5,000, reprimand, censure, probation, or prohibition
331 from lobbying for a period of time not to exceed 24 months. Upon
332 the receipt of such report, the President of the Senate or the
333 Speaker of the House of Representatives shall cause the
334 committee report and recommendations to be brought before the
335 respective house and a final determination shall be made by a
336 majority of said house.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

337 ~~(8)(7)~~ Any person required to be registered or to provide
338 information pursuant to this section or pursuant to rules
339 established in conformity with this section who knowingly fails
340 to disclose any material fact required by this section or by
341 rules established in conformity with this section, or who
342 knowingly provides false information on any report required by
343 this section or by rules established in conformity with this
344 section, commits a noncriminal infraction, punishable by a fine
345 not to exceed \$5,000. Such penalty shall be in addition to any
346 other penalty assessed by a house of the Legislature pursuant to
347 subsection ~~(7)(6)~~.

348 ~~(9)(8)~~ There is hereby created the Legislative Lobbyist
349 Registration Trust Fund, to be used for the purpose of funding
350 any office established for the administration of the
351 registration of lobbyist lobbying the Legislature, including the
352 payment of salaries and other expenses, and for the purpose of
353 paying the expenses incurred by the Legislature in providing
354 services to lobbyists. The trust fund is not subject to the
355 service charge to general revenue provisions of chapter 215.
356 Fees collected pursuant to rules established in accordance with
357 subsection (2) shall be deposited into the Legislative Lobbyist
358 Registration Trust Fund.

359 Section 2. Section 11.0455, Florida Statutes, is created
360 to read:

361 11.0455 Electronic filing of compensation and expenditure
362 reports.--

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

363 (1) As used in this section, the term "electronic filing
364 system" means an Internet system for recording and reporting
365 lobbying information required by law for each reporting period.

366 (2) Each lobbying firm or lobbyist who is required to file
367 reports with the Division of Legislative Information Services
368 pursuant to s. 11.045 must file such reports with the division
369 by means of the division's electronic filing system.

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

375 (4) Each report filed pursuant to this section is
376 considered to be certified as accurate and complete by the
377 lobbyist, the lobbying firm, or the designated lobbyist and
378 principal, whichever is applicable, and such persons are subject
379 to the provisions of s. 11.045(7) and s. 11.045(8). Persons
380 given a secure sign-on to the electronic filing system are
381 responsible for protecting it from disclosure and are
382 responsible for all filings using such credentials, unless they
383 have notified the division that their credentials have been
384 compromised.

385 (5) The electronic filing system developed by the division
386 must:

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

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

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

390 (c) Provide for direct entry of any information required
391 by law as well as upload of such information from software
392 authorized by the division.

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

395 (6) Each house of the Legislature shall provide by rule,
396 or may provide by a joint rule adopted by both houses,
397 procedures to implement and administer this section, including,
398 but not limited to:

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

401 (b) The issuance of an electronic receipt to the person
402 submitting the report indicating and verifying the date and time
403 that the report was filed.

404 (7) Each house of the Legislature shall provide by rule
405 that the division make all the data filed available on the
406 Internet in an easily understood and accessible format. The
407 Internet website shall also include, but not be limited to, the
408 names and business addresses of lobbyists, lobbying firms, and
409 principals, the affiliations between lobbyists and principals,
410 and the North American Industry Classification System code and
411 corresponding index entry identified by each principal pursuant
412 to s. 11.045(2).

413 Section 3. Section 112.3215, Florida Statutes, is amended
414 to read:

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

415 112.3215 Lobbying Lobbyists before the executive branch or
416 the Constitution Revision Commission; registration and
417 reporting; investigation by commission.--

418 (1) For the purposes of this section:

419 (a) "Agency" means the Governor, Governor and Cabinet, or
420 any department, division, bureau, board, commission, or
421 authority of the executive branch. In addition, "agency" shall
422 mean the Constitution Revision Commission as provided by s. 2,
423 Art. XI of the State Constitution.

424 (b) "Expenditure" means a payment, distribution, loan,
425 advance, reimbursement, deposit, or anything of value made by a
426 lobbyist or principal for the purpose of lobbying.

427 (c) "Fund" means the Executive Branch Lobby Registration
428 Trust Fund.

429 (d)1. "Lobbies" means seeking, on behalf of another
430 person, to influence an agency with respect to a decision of the
431 agency in the area of policy or procurement or an attempt to
432 obtain the goodwill of an agency official or employee.

433 "Lobbies" also means influencing or attempting to influence, on
434 behalf of another, the Constitution Revision Commission's action
435 or nonaction through oral or written communication or an attempt
436 to obtain the goodwill of a member or employee of the
437 Constitution Revision Commission.

438 2. Food and beverages paid for or provided, directly or
439 indirectly, by a lobbyist or principal to, or for the benefit
440 of, an agency official or employee or a member or employee of
441 the Constitution Revision Commission is deemed an attempt to

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

442 obtain such person's goodwill unless the lobbyist or principal
443 is the person's parent, spouse, child, sibling, grandparent, or
444 grandchild.

445 (e) "Lobbying firm" means a business entity, including an
446 individual contract lobbyist, that receives or becomes entitled
447 to receive any compensation for the purpose of lobbying, where
448 any partner, owner, officer, or employee of the business entity
449 is a lobbyist.

450 (f)(e) "Lobbyist" means a person who is employed and
451 receives payment, or who contracts for economic consideration,
452 for the purpose of lobbying, or a person who is principally
453 employed for governmental affairs by another person or
454 governmental entity to lobby on behalf of that other person or
455 governmental entity. "Lobbyist" does not include a person who
456 is:

457 1. An attorney, or any person, who represents a client in
458 a judicial proceeding or in a formal administrative proceeding
459 conducted pursuant to chapter 120 or any other formal hearing
460 before an agency, board, commission, or authority of this state.

461 2. An employee of an agency or of a legislative or
462 judicial branch entity acting in the normal course of his or her
463 duties.

464 3. A confidential informant who is providing, or wishes to
465 provide, confidential information to be used for law enforcement
466 purposes.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

467 4. A person who lobbies to procure a contract pursuant to
468 chapter 287 which contract is less than the threshold for
469 CATEGORY ONE as provided in s. 287.017(1)(a).

470 ~~(g)(f)~~ "Principal" means the person, firm, corporation, or
471 other entity which has employed or retained a lobbyist,
472 including a lobbying firm that subcontracts work.

473 (2) The Executive Branch Lobby Registration Trust Fund is
474 hereby created within the commission to be used for the purpose
475 of funding any office established to administer the registration
476 of lobbyists lobbying an agency, including the payment of
477 salaries and other expenses. The trust fund is not subject to
478 the service charge to General Revenue provisions of chapter 215.
479 All annual registration fees collected pursuant to this section
480 shall be deposited into such fund.

481 (3) A person may not lobby an agency until such person has
482 registered as a lobbyist with the commission. Such registration
483 shall be due upon initially being retained to lobby and is
484 renewable on a calendar year basis thereafter. No person
485 convicted of a felony shall register as a lobbyist pursuant to
486 this subsection, until the person: has been released from
487 incarceration and any postconviction supervision, and has paid
488 all court costs and court-ordered restitution; has had his or
489 her civil rights restored; or has been authorized by majority
490 vote of the Governor and Cabinet to register as a lobbyist. Upon
491 registration the person shall provide a statement signed by the
492 principal or principal's representative that the registrant is
493 authorized to represent the principal. The principal shall also

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

494 designate the most recent North American Industry Classification
495 System numerical code and corresponding index entry that most
496 accurately describes the principal's main business on the
497 statement authorizing the principal's designated lobbyist. The
498 registration shall require each ~~the~~ lobbyist to disclose, under
499 oath, the following information:

500 (a) Name and business address;

501 (b) The name and business address of each principal
502 represented;

503 (c) His or her area of interest;

504 (d) The agencies before which he or she will appear; and

505 (e) The existence of any direct or indirect business
506 association, partnership, or financial relationship with any
507 employee of an agency with which he or she lobbies, or intends
508 to lobby, as disclosed in the registration.

509 (4) The annual lobbyist registration fee shall be set by
510 the commission by rule, not to exceed \$40 for each principal
511 represented.

512 (5)(a) A registered lobbyist must also submit to the
513 commission, quarterly ~~biannually~~, a signed expenditure report
514 summarizing all lobbying expenditures by the lobbyist and the
515 principal for each 3-month ~~6-month~~ period during any portion of
516 which the lobbyist is registered. All expenditures made by the
517 lobbyist and the principal for the purpose of lobbying must be
518 reported. Reporting of expenditures shall be on an accrual
519 basis. The report of such expenditures must identify whether the
520 expenditure was made directly by the lobbyist, directly by the

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

521 principal, initiated or expended by the lobbyist and paid for by
522 the principal, or initiated or expended by the principal and
523 paid for by the lobbyist. The principal is responsible for the
524 accuracy of the expenditures reported as lobbying expenditures
525 made by the principal. The lobbyist is responsible for the
526 accuracy of the expenditures reported as lobbying expenditures
527 made by the lobbyist. Expenditures made must be reported in the
528 aggregate in either the category "food and beverages" or
529 "novelty items." ~~by the category of the expenditure, including,~~
530 ~~but not limited to, the categories of food and beverages,~~
531 ~~entertainment, research, communication, media advertising,~~
532 ~~publications, travel, and lodging.~~ For each expenditure that
533 comprises part of the aggregate total reported in the "food and
534 beverages" category, the report must also include the full name
535 and address of each person to whom the expenditure was made; the
536 date of the expenditure; and the name, title, and agency of the
537 official, member, or employee for whom the expenditure was made.
538 Lobby expenditures do not include a lobbyist's or principal's
539 salary, office expenses, and personal expenses for lodging,
540 meals, and travel.

541 (b) A principal who is represented by two or more
542 lobbyists shall designate one lobbyist whose expenditure report
543 shall include all lobbying expenditures made directly by the
544 principal and those expenditures of the designated lobbyist on
545 behalf of that principal as required by paragraph (a). All other
546 lobbyists registered to represent that principal shall file a
547 report pursuant to paragraph (a). The report of lobbying

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

548 expenditures by the principal shall be made pursuant to the
549 requirements of paragraph (a). The principal is responsible for
550 the accuracy of figures reported by the designated lobbyist as
551 lobbying expenditures made directly by the principal. The
552 designated lobbyist is responsible for the accuracy of the
553 figures reported as lobbying expenditures made by that lobbyist.
554 A principal may submit a written statement that a sole lobbyist
555 or a designated lobbyist may sign expenditure reports on behalf
556 of the principal.

557 (c)1. Each lobbyist, including a designated lobbyist,
558 shall identify on the activity report all general areas of the
559 principal's lobbying interest that were lobbied during the
560 reporting period.

561 2. For each general area of lobbying interest designated,
562 the lobbyist shall provide a detailed written description of all
563 specific issues lobbied within the general area.

564 3. The report shall include the:

565 a. Full name, business address, and telephone number of
566 the lobbying firm.

567 b. Name of each of the firm's lobbyists.

568 c. Full name, business address, and telephone number of
569 the principal.

570 4. The senior partner, officer, or owner of the lobbying
571 firm shall certify to the veracity and completeness of the
572 information submitted pursuant to this paragraph.

573 (d)(e) For each reporting period the commission shall
574 aggregate the expenditures of all lobbyists for a principal

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

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

579 ~~(e)~~(d) The expenditure reporting statements shall be filed
580 no later than 45 days after the end of each reporting period.
581 ~~and shall include the expenditures for the period~~ The four
582 reporting periods are from January 1 through March 31 ~~June 30,~~
583 April 1 through June 30, ~~and~~ July 1 through September 30, and
584 October 1 through December 31, respectively. Reporting
585 statements shall be filed by electronic means as provided in s.
586 112.32155.

587 ~~(e) Reports shall be filed not later than 5 p.m. of the~~
588 ~~report due date. However, any report that is postmarked by the~~
589 ~~United States Postal Service no later than midnight of the due~~
590 ~~date shall be deemed to have been filed in a timely manner, and~~
591 ~~a certificate of mailing obtained from and dated by the United~~
592 ~~States Postal Service at the time of the mailing, or a receipt~~
593 ~~from an established courier company which bears a date on or~~
594 ~~before the due date, shall be proof of mailing in a timely~~
595 ~~manner.~~

596 (f) The commission shall provide by rule a procedure by
597 which a lobbying firm or lobbyist who fails to timely file a
598 report shall be notified and assessed fines. The rule shall
599 provide for the following:

600 1. Upon determining that the report is late, the person
601 designated to review the timeliness of reports shall immediately

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

602 notify the lobbying firm or lobbyist as to the failure to timely
603 file the report and that a fine is being assessed for each late
604 day. The fine shall be \$50 per day per report for each late day
605 up to a maximum of \$5,000 per late report. However, in the event
606 a principal has failed to respond to a request to sign a report
607 timely filed by a lobbyist, such request made by the lobbyist by
608 certified mail at least 10 days prior to the reporting date, the
609 fine shall not exceed \$100.

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

613 a. When a report is actually received by the lobbyist
614 registration and reporting office.

615 b. When the electronic receipt issued pursuant to s.
616 112.32155 is dated ~~report is postmarked.~~

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

618 ~~d. When the receipt from an established courier company is~~
619 ~~dated.~~

620 3. Such fine shall be paid within 30 days after the notice
621 of payment due is transmitted by the Lobbyist Registration
622 Office, unless appeal is made to the commission. The moneys
623 shall be deposited into the Executive Branch Lobby Registration
624 Trust Fund.

625 4. A fine shall not be assessed against a lobbying firm or
626 lobbyist the first time any reports for which the lobbying firm
627 or lobbyist is responsible are not timely filed. However, to
628 receive the one-time fine waiver, all reports for which the

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

629 lobbying firm or lobbyist is responsible must be filed within 30
630 days after the notice that any reports have not been timely
631 filed is transmitted by the Lobbyist Registration Office. A fine
632 shall be assessed for any subsequent late-filed reports.

633 5. Any lobbying firm or lobbyist may appeal or dispute a
634 fine, based upon unusual circumstances surrounding the failure
635 to file on the designated due date, and may request and shall be
636 entitled to a hearing before the commission, which shall have
637 the authority to waive the fine in whole or in part for good
638 cause shown. Any such request shall be made within 30 days
639 after the notice of payment due is transmitted by the Lobbyist
640 Registration Office. In such case, the lobbying firm or
641 lobbyist shall, within the 30-day period, notify the person
642 designated to review the timeliness of reports in writing of his
643 or her intention to bring the matter before the commission.

644 6. The person designated to review the timeliness of
645 reports shall notify the commission of the failure of a lobbying
646 firm or lobbyist to file a report after notice or of the failure
647 of a lobbying firm or lobbyist to pay the fine imposed.

648 7. Notwithstanding any provision of chapter 120, any fine
649 imposed under this subsection that is not waived by final order
650 of the commission and that remains unpaid more than 60 days
651 after the notice of payment due or more than 60 days after the
652 commission renders a final order on the lobbying firm's or
653 lobbyist's appeal shall be collected by the Department of
654 Financial Services as a claim, debt, or other obligation owed to

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

655 the state, and the department may assign the collection of such
656 fine to a collection agent as provided in s. 17.20.

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

660 (g)1.~~(h)~~ Each lobbyist and each principal shall preserve
661 for a period of 4 years all accounts, bills, receipts, computer
662 records, books, papers, and other documents and records
663 necessary to substantiate lobbying expenditures. Any documents
664 and records retained pursuant to this section may be inspected
665 under reasonable circumstances by any authorized representative
666 of the commission. The right of inspection may be enforced in
667 circuit court ~~by appropriate writ issued by any court of~~
668 ~~competent jurisdiction.~~

669 2. Each lobbying firm and each principal shall preserve
670 for a period of 4 years all accounts, bills, receipts, computer
671 records, books, papers, and other documents and records
672 necessary to substantiate compensation. After a finding of
673 probable cause by the Commission on Ethics, any documents and
674 records retained pursuant to this section may be subpoenaed for
675 audit by the Auditor General pursuant to s. 11.45 and such
676 subpoena may be enforced in circuit court.

677 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
678 other provision of law to the contrary, no lobbyist or principal
679 shall make, directly or indirectly, and no agency official,
680 member, or employee shall knowingly accept, directly or
681 indirectly, any lobbying expenditure, except for:

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

- 682 1. Food and beverages:
- 683 a. Consumed at a single sitting or meal;
- 684 b. Paid for solely by lobbyists or principals who are
685 present for the duration of the sitting or meal;
- 686 c. Where the actual value attributable to officials,
687 members, and employees of the agency or commission is
688 determinable;
- 689 d. Provided that the actual gross value attributable to an
690 agency official, member, or employee from all lobbyists and
691 principals paying for the food and beverages, including any
692 value attributable pursuant to paragraph (b), does not exceed
693 \$100.
- 694 (b) The value of any food and beverages provided to a
695 spouse or child of an agency official, member, or employee shall
696 be attributed to such official, member, or employee.
- 697 (c) No principal shall provide compensation for lobbying
698 to any individual or business entity that is not a lobbying
699 firm.
- 700 (7)(6) A lobbyist shall promptly send a written statement
701 to the commission canceling the registration for a principal
702 upon termination of the lobbyist's representation of that
703 principal. Notwithstanding this requirement, the commission may
704 remove the name of a lobbyist from the list of registered
705 lobbyists if the principal notifies the office that a person is
706 no longer authorized to represent that principal. Each lobbyist
707 is responsible for filing an expenditure report for each period
708 during any portion of which he or she was registered, and each

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

709 principal is responsible for seeing that an expenditure report
710 is filed for each period during any portion of which the
711 principal was represented by a registered lobbyist.

712 ~~(8)(a)(7)~~ The commission shall investigate every sworn
713 complaint that is filed with it alleging that a person covered
714 by this section has failed to register, has failed to submit a
715 compensation or an expenditure report, or has knowingly
716 submitted false information in any report or registration
717 required in this section.

718 (b) All proceedings, the complaint, and other records
719 relating to the investigation are confidential and exempt from
720 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
721 Constitution, and any meetings held pursuant to an investigation
722 are exempt from the provisions of s. 286.011(1) and s. 24(b),
723 Art. I of the State Constitution either until the alleged
724 violator requests in writing that such investigation and
725 associated records and meetings be made public or until the
726 commission determines, based on the investigation, whether
727 probable cause exists to believe that a violation has occurred.

728 ~~(9)(8)~~ If the commission finds no probable cause to
729 believe that a violation of this section occurred, it shall
730 dismiss the complaint, whereupon the complaint, together with a
731 written statement of the findings of the investigation and a
732 summary of the facts, shall become a matter of public record,
733 and the commission shall send a copy of the complaint, findings,
734 and summary to the complainant and the alleged violator. If the
735 commission finds probable cause to believe that a violation

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

736 occurred, it shall report the results of its investigation to
737 the Governor and Cabinet and send a copy of the report to the
738 alleged violator by certified mail. Such notification and all
739 documents made or received in the disposition of the complaint
740 shall then become public records. Upon request submitted to the
741 Governor and Cabinet in writing, any person whom the commission
742 finds probable cause to believe has violated any provision of
743 this section shall be entitled to a public hearing. Such person
744 shall be deemed to have waived the right to a public hearing if
745 the request is not received within 14 days following the mailing
746 of the probable cause notification. However, the Governor and
747 Cabinet may on its own motion require a public hearing and may
748 conduct such further investigation as it deems necessary.

749 ~~(10)(9)~~ If the Governor and Cabinet finds that a violation
750 occurred, it may reprimand the violator, censure the violator,
751 or prohibit the violator from lobbying all agencies for a period
752 not to exceed 2 years. If the violator is a lobbying firm, the
753 Governor and Cabinet may also assess a fine of not more than
754 \$5,000 to be deposited in the Executive Branch Lobby
755 Registration Trust Fund.

756 ~~(11)(10)~~ Any person, when in doubt about the applicability
757 and interpretation of this section to himself or herself in a
758 particular context, may submit in writing the facts of the
759 situation to the commission with a request for an advisory
760 opinion to establish the standard of duty. An advisory opinion
761 shall be rendered by the commission and, until amended or
762 revoked, shall be binding on the conduct of the person who

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

763 sought the opinion, unless material facts were omitted or
764 misstated in the request.

765 (12)~~(11)~~ Agencies shall be diligent to ascertain whether
766 persons required to register pursuant to this section have
767 complied. An agency may not knowingly permit a person who is
768 not registered pursuant to this section to lobby the agency.

769 (13)~~(12)~~ Upon discovery of violations of this section an
770 agency or any person may file a sworn complaint with the
771 commission.

772 (14)~~(13)~~ The commission shall adopt rules to administer
773 this section, which shall prescribe forms for registration and
774 expenditure reports, procedures for registration, and procedures
775 that will prevent disclosure of information that is confidential
776 as provided in this section.

777 Section 4. Section 112.32155, Florida Statutes, is created
778 to read:

779 112.32155 Electronic filing of expenditure reports.--

780 (1) As used in this section, the term "electronic filing
781 system" means an Internet system for recording and reporting
782 lobbying expenditures and other required information by
783 reporting period.

784 (2) Each lobbying firm or lobbyist who is required to file
785 reports with the Commission on Ethics pursuant to s. 112.3215
786 must file such reports with the commission by means of the
787 electronic filing system.

788 (3) A report filed pursuant to this section must be
789 completed and filed through the electronic filing system not

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

790 later than 11:59 p.m. of the day designated in s. 112.3215. A
791 report not filed by 11:59 p.m. of the day designated is a late-
792 filed report and is subject to the penalties under s.
793 112.3215(5).

794 (4) Each report filed pursuant to this section is
795 considered to be certified as accurate and complete by the
796 lobbyist, the lobbying firm, or the designated lobbyist and
797 principal, whichever is applicable. Persons given a secure sign-
798 on to the electronic filing system are responsible for
799 protecting it from disclosure and are responsible for all
800 filings using such credentials, unless they have notified the
801 division that their credentials have been compromised.

802 (5) The electronic filing system must:

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

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

806 (c) Provide for direct entry of expenditure-report
807 information as well as upload of such information from software
808 authorized by the commission.

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

811 (6) The commission shall provide by rule procedures to
812 implement and administer this section, including, but not
813 limited to:

814 (a) Alternate filing procedures in case the electronic
815 filing system is not operable.

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

816 (b) The issuance of an electronic receipt to the person
817 submitting the report indicating and verifying the date and time
818 that the report was filed.

819 (7) The commission shall make all the data filed available
820 on the Internet in an easily understood and accessible format.
821 The Internet web site shall also include, but not be limited to,
822 the names and business addresses of lobbyists, lobbying firms,
823 and principals, affiliations between lobbyists and principals,
824 and the North American Industry Classification code and
825 corresponding index entry identified by each principal pursuant
826 to s. 112.3215(3).

827 Section 5. This act shall take effect July 1, 2007.

828
829
830 ===== T I T L E A M E N D M E N T =====

831 Remove the entire title and insert:

832 A bill to be entitled
833 An act relating to lobbying; amending s. 11.045, F.S.,
834 relating to the requirements that legislative lobbyists
835 register and report as required by legislative rule;
836 defining the term "lobbying firm"; amending definitions
837 for the terms "lobbying" and "principal"; requiring each
838 principal upon the registration of the principal's
839 designated lobbyist to identify the principal's main
840 business; requiring each lobbying firm and principal to
841 maintain certain records and documents for a specified
842 period; specifying judicial jurisdiction for enforcing the

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

843 right to inspect certain documents and records;
844 conditionally prohibiting convicted felons from
845 registering as a legislative lobbyist; modifying the
846 aggregate reporting categories on lobbying expenditure
847 reporting forms; requiring lobbying expenditure reporting
848 forms to include the name and address of each person to
849 whom an expenditure for food and beverages was made, date
850 of the expenditure, and the name and title of the
851 legislator or employee for whom the expenditure was made;
852 providing for certain lobbyists to sign expenditure
853 reports on behalf of a principal under certain
854 circumstances; requiring each lobbyist to report the
855 general areas of the principal's legislative interest and
856 specific issues lobbied; requiring certain lobbying firms
857 to report the name and address of the principal
858 originating lobbying work; prohibiting lobbying
859 expenditures, except for certain food and beverages and
860 novelty items; prohibiting principals from providing
861 lobbying compensation to any individual or business entity
862 other than a lobbying firm; providing for the Legislature
863 to adopt rules to maintain and make publicly available all
864 advisory opinions and reports relating to lobbying firms,
865 to conform; providing for the Legislature to adopt rules
866 authorizing legislative committees to investigate certain
867 person and entities engaged in legislative lobbying;
868 providing a cap on fines for certain late-filed reports;
869 requiring compensation and expenditure reports to be filed

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

870 | electronically; creating s. 11.0455, F.S.; defining the
871 | term "electronic filing system"; providing requirements
872 | for lobbyists and lobbying firms filing reports with the
873 | Division of Legislative Information Services by means of
874 | the division's electronic filing system; providing that
875 | such reports are considered to be certified as accurate
876 | and complete; providing requirements for the electronic
877 | filing system; providing for the Legislature to adopt
878 | rules to administer the electronic filing system;
879 | requiring alternate filing procedures; requiring the
880 | issuance of electronic receipts; requiring that the
881 | division provide for public access to certain data;
882 | amending s. 112.3215, F.S., relating to the requirements
883 | that executive branch and Constitution Revision Commission
884 | lobbyists register and report as required; defining the
885 | term "lobbying firm"; amending definitions for the terms
886 | "lobbies" and "principal"; conditionally prohibiting
887 | convicted felons from registering as an executive branch
888 | lobbyist; requiring each principal upon the registration
889 | of the principal's designated lobbyist to identify the
890 | principal's main business; modifying the aggregate
891 | reporting categories on lobbying expenditure reporting
892 | forms; requiring lobbying expenditure reporting forms to
893 | include the name and address of each person to whom an
894 | expenditure for food and beverages was made, date of the
895 | expenditure, and the name and title of the agency
896 | official, member, or employee for whom the expenditure was

115177

5/5/2005 4:41:22 PM

Amendment No. (for drafter's use only)

897 made; providing for certain lobbyists to sign expenditure
898 reports on behalf of a principal under certain
899 circumstances; requiring each lobbyist to report the
900 general areas of the principal's lobbying interest and
901 specific issues lobbied; requiring certain lobbying firms
902 to report the name and address of the principal
903 originating lobbying work; requiring each lobbying firm
904 and principal to maintain certain records and documents
905 for a specified period; specifying judicial jurisdiction
906 for enforcing the right of inspection; prohibiting
907 lobbying expenditures, except for certain food and
908 beverages and novelty items; providing a cap on fines for
909 certain late-filed reports; requiring expenditure reports
910 to be filed electronically; creating s. 112.32155, F.S.;
911 defining the term "electronic filing system"; providing
912 requirements for lobbyists and lobbying firms filing
913 reports with the Florida Commission on Ethics by means of
914 the electronic filing system; providing that such reports
915 are considered to be certified as accurate and complete;
916 providing requirements for the electronic filing system;
917 providing for the commission to adopt rules to administer
918 the electronic filing system; requiring alternate filing
919 procedures; requiring the issuance of electronic receipts;
920 requiring that the commission provide for public access to
921 certain data; providing an effective date.

922

115177

5/5/2005 4:41:22 PM

HOUSE AMENDMENT

Bill No. CS/SB 2646

Amendment No. (for drafter's use only)

923 WHEREAS, restoring the public's trust in government is a
924 top priority of the Florida Legislature, and

925 WHEREAS, it is a fundamental right for people to have
926 access and redress their government for any reason, and,

927 WHEREAS, in many cases, lobbyists assist people in the
928 exercise of this fundamental right, and,

929 WHEREAS, Floridians have a right to know what their state
930 and local government officials and employees are doing and with
931 whom, so that they can gauge the influence and the role of
932 special interests in the development and implementation of
933 public policy, and,

934 WHEREAS, the Florida Legislature believes that fuller,
935 fairer, and more open disclosure will help restore the public
936 trust in government,

937 WHEREAS, the Florida Legislature has the ultimate
938 responsibility of restoring the public trust through legislating
939 reporting requirements for public officials as well as the
940 reporting requirements required by lobbyists, NOW, THEREFORE,

115177

5/5/2005 4:41:22 PM