

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Zapata offered the following:

2

3 **Amendment to Amendment (751873)**

4 Remove lines 150-556 and insert:

5 b. Name and photograph of each of the firm's lobbyists.

6 2. For each principal represented by one or more of the
7 firm's lobbyists, the compensation report shall include the:

8 a. Full name, business address, and telephone number of
9 the principal;

10 b. Total compensation for lobbying in this state provided
11 or owed to the lobbying firm for the reporting period, reported
12 in one of the following categories: \$0; less than \$25,000;
13 \$25,001 to \$50,000; 50,001 to \$75,000; \$75,001 to \$100,000;
14 \$100,001 to \$125,000; \$125,001 to \$150,000; \$150,001 or more. If
15 the category "\$150,001 or more" is selected, the specific dollar

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16 amount of compensation must be reported, rounded up or down to
17 the nearest \$1,000; and

18 c. If the lobbying firm is reporting compensation
19 resulting from a subcontracting agreement with another lobbying
20 firm, the full name and business address of the principal
21 originating the lobbying work.

22 3. The senior partner, officer, or owner of the lobbying
23 firm shall certify to the veracity and completeness of the
24 information submitted pursuant to this paragraph.

25 (e)(e) For each reporting period the division shall
26 aggregate the expenditures reported by all of the lobbyists for
27 a principal represented by more than one lobbyist. Further, the
28 division shall aggregate figures that provide a cumulative total
29 of expenditures reported as spent by and on behalf of each
30 principal for the calendar year. For each principal represented
31 by more than one lobbying firm, the division shall also
32 aggregate the reporting-period compensation reported as provided
33 or owed by the principal.

34 (f)(d) The compensation and expenditure reporting
35 statements shall be filed no later than 45 days after the end of
36 each the reporting period. The first report shall include the
37 compensation and expenditures for the period from January 1
38 through June 30. The second report shall disclose expenditures
39 for the period from July 1 through December 31. The statements
40 shall be rendered in the identical form provided by the
41 respective houses and shall be open to public inspection.

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42 Reporting statements may be filed by electronic means, when
43 feasible.

44 ~~(e) Reports shall be filed not later than 5 p.m. of the~~
45 ~~report due date. However, any report that is postmarked by the~~
46 ~~United States Postal Service no later than midnight of the due~~
47 ~~date shall be deemed to have been filed in a timely manner, and~~
48 ~~a certificate of mailing obtained from and dated by the United~~
49 ~~States Postal Service at the time of the mailing, or a receipt~~
50 ~~from an established courier company which bears a date on or~~
51 ~~before the due date, shall be proof of mailing in a timely~~
52 ~~manner.~~

53 (g)~~(f)~~ Each house of the Legislature shall provide by
54 rule, or both houses may provide by joint rule, a procedure by
55 which a lobbying firm or lobbyist who fails to timely file a
56 report shall be notified and assessed fines. The rule shall
57 provide for the following:

58 1. Upon determining that the report is late, the person
59 designated to review the timeliness of reports shall immediately
60 notify the lobbying firm or lobbyist as to the failure to timely
61 file the report and that a fine is being assessed for each late
62 day. The fine shall be \$50 per day per report for each late day,
63 not to exceed \$5,000 per report.

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

67 a. When a report is actually received by the lobbyist
68 registration and reporting office.

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- 69 b. When the report is postmarked.
70 c. When the certificate of mailing is dated.
71 d. When the receipt from an established courier company is
72 dated.

73 3. Such fine shall be paid within 30 days after the notice
74 of payment due is transmitted by the Lobbyist Registration
75 Office, unless appeal is made to the division. The moneys shall
76 be deposited into the Legislative Lobbyist Registration Trust
77 Fund.

78 4. A fine shall not be assessed against a lobbying firm or
79 lobbyist the first time any reports for which the lobbying firm
80 or lobbyist is responsible are not timely filed. However, to
81 receive the one-time fine waiver, all reports for which the
82 lobbying firm or lobbyist is responsible must be filed within 30
83 days after notice that any reports have not been timely filed is
84 transmitted by the Lobbyist Registration Office. A fine shall be
85 assessed for any subsequent late-filed reports.

86 5. Any lobbying firm or lobbyist may appeal or dispute a
87 fine, based upon unusual circumstances surrounding the failure
88 to file on the designated due date, and may request and shall be
89 entitled to a hearing before the General Counsel of the Office
90 of Legislative Services, who shall recommend to the President of
91 the Senate and the Speaker of the House of Representatives, or
92 their respective designees, that the fine be waived in whole or
93 in part for good cause shown. The President of the Senate and
94 the Speaker of the House of Representatives, or their respective
95 designees, may concur in the recommendation and waive the fine

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96 | in whole or in part. Any such request shall be made within 30
97 | days after the notice of payment due is transmitted by the
98 | Lobbyist Registration Office. In such case, the lobbying firm
99 | or lobbyist shall, within the 30-day period, notify the person
100 | designated to review the timeliness of reports in writing of his
101 | or her intention to request a hearing.

102 | 6. A lobbyist, ~~a lobbyist's legal representative~~, or the
103 | principal of a lobbyist may request that the filing of an
104 | expenditure report be waived upon good cause shown, based on
105 | unusual circumstances. A lobbying firm may request that the
106 | filing of a compensation report be waived upon good cause shown,
107 | based on unusual circumstances. The request must be filed with
108 | the General Counsel of the Office of Legislative Services, who
109 | shall make a recommendation concerning the waiver request to the
110 | President of the Senate and the Speaker of the House of
111 | Representatives. The President of the Senate and the Speaker of
112 | the House of Representatives may grant or deny the request.

113 | 7. The registration of a lobbyist who fails to timely pay
114 | a fine is automatically suspended until the fine is paid or
115 | waived. All lobbyist registrations for lobbyists who are
116 | partners, owners, officers, or employees of a lobbying firm that
117 | fails to timely pay a fine are automatically suspended until the
118 | fine is paid or waived; the division shall promptly notify all
119 | affected principals of any suspension or reinstatement.

120 | ~~8.7-~~ The person designated to review the timeliness of
121 | reports shall notify the director of the division of the failure
122 | of a lobbying firm or lobbyist to file a report after notice or

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123 of the failure of a lobbying firm or lobbyist to pay the fine
124 imposed.

125 (4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
126 other provision of law to the contrary, no lobbyist or principal
127 shall make, directly or indirectly, and no member or employee of
128 the Legislature shall knowingly accept, directly or indirectly,
129 any lobbying expenditure, except for:

130 1. Food and beverages:

131 a. Consumed at a single sitting or meal;

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

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

136 d. Provided that the actual gross value attributable to a
137 member or employee of the Legislature from all lobbyists and
138 principals paying for the food and beverages, including any
139 value attributable pursuant to paragraph (b), does not exceed
140 \$100.

141 2. Novelty items having an individual retail value of \$25
142 or less provided to members of the Senate or House of
143 Representatives during any regular or special session, or
144 provided during any week during which the Senate or House has
145 scheduled committee meetings. Such novelty items may also be
146 distributed to the staff of either or both houses, subject to
147 the same timing constraints.

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

151 (c) No principal shall provide compensation for lobbying
152 to any individual or business entity that is not a lobbying
153 firm.

154 ~~(5)~~(4) Each house of the Legislature shall provide by rule
155 a procedure by which a person, when in doubt about the
156 applicability and interpretation of this section in a particular
157 context, may submit in writing the facts for an advisory opinion
158 to the committee of either house and may appear in person before
159 the committee. The rule shall provide a procedure by which:

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

163 (b) The committee shall make sufficient deletions to
164 prevent disclosing the identity of persons in the decisions or
165 opinions.

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

168 ~~(6)~~(5) Each house of the Legislature shall provide by rule
169 for keeping ~~keep~~ all advisory opinions of the committees
170 relating to lobbying firms, lobbyists, and lobbying activities.
171 ~~as well as~~ The rule shall also provide that each house keep a
172 current list of registered lobbyists and their respective
173 reports required under this section, along with reports required

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174 of lobbying firms under this section, all of which shall be open
175 for public inspection.

176 (7)(6) Each house of the Legislature shall provide by rule
177 that the committee of either house shall investigate any
178 lobbying firm or lobbyist person engaged in legislative lobbying
179 upon receipt of a sworn complaint alleging a violation of this
180 section, s. 112.3148, or s. 112.3149 by such person. Such
181 proceedings shall be conducted pursuant to the rules of the
182 respective houses. If the committee finds that there has been a
183 violation of this section, s. 112.3148, or s. 112.3149, it shall
184 report its findings to the President of the Senate or the
185 Speaker of the House of Representatives, as appropriate,
186 together with a recommended penalty, to include a fine of not
187 more than \$5,000, reprimand, censure, probation, or prohibition
188 from lobbying for a period of time not to exceed 24 months. Upon
189 the receipt of such report, the President of the Senate or the
190 Speaker of the House of Representatives shall cause the
191 committee report and recommendations to be brought before the
192 respective house and a final determination shall be made by a
193 majority of said house.

194 (8)(7) Any person required to be registered or to provide
195 information pursuant to this section or pursuant to rules
196 established in conformity with this section who knowingly fails
197 to disclose any material fact required by this section or by
198 rules established in conformity with this section, or who
199 knowingly provides false information on any report required by
200 this section or by rules established in conformity with this

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201 section, commits a noncriminal infraction, punishable by a fine
202 not to exceed \$5,000. Such penalty shall be in addition to any
203 other penalty assessed by a house of the Legislature pursuant to
204 subsection ~~(7)(6)~~.

205 ~~(9)(8)~~ There is hereby created the Legislative Lobbyist
206 Registration Trust Fund, to be used for the purpose of funding
207 any office established for the administration of the
208 registration of lobbyist lobbying the Legislature, including the
209 payment of salaries and other expenses, and for the purpose of
210 paying the expenses incurred by the Legislature in providing
211 services to lobbyists. The trust fund is not subject to the
212 service charge to general revenue provisions of chapter 215.
213 Fees collected pursuant to rules established in accordance with
214 subsection (2) shall be deposited into the Legislative Lobbyist
215 Registration Trust Fund.

216 Section 2. Effective August 1, 2006, section 11.0455,
217 Florida Statutes, is created to read:

218 11.0455 Electronic filing of compensation and expenditure
219 reports.--

220 (1) As used in this section, the term "electronic filing
221 system" means an Internet system for recording and reporting
222 lobbying compensation, expenditures, and other required
223 information by reporting period.

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

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

233 (4) Each report filed pursuant to this section is
234 considered to be certified to the best of the filer's knowledge
235 as accurate and complete by the lobbyist, the lobbying firm, or
236 the designated lobbyist and principal, whichever is applicable,
237 and such persons are subject to the provisions of s. 11.045(7)
238 and s. 11.045(8). Persons given a secure sign-on to the
239 electronic filing system are responsible for protecting it from
240 disclosure and are responsible for all filings using such
241 credentials, unless they have notified the division that their
242 credentials have been compromised.

243 (5) The electronic filing system developed by the division
244 must:

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

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

248 (c) Provide for direct entry of compensation-report and
249 expenditure-report information as well as upload of such
250 information from software authorized by the division.

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

253 (6) Each house of the Legislature shall provide by rule,
254 or may provide by a joint rule adopted by both houses,

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255 procedures to implement and administer this section, including,
256 but not limited to:

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

259 (b) The issuance of an electronic receipt to the person
260 submitting the report indicating and verifying the date and time
261 that the report was filed.

262 (7) Each house of the Legislature shall provide by rule
263 that the division make all the data filed available on the
264 Internet in an easily understood and accessible format. The
265 Internet website shall also include, but not be limited to, the
266 names and business addresses of lobbyists, lobbying firms, and
267 principals, the affiliations between lobbyists and principals.

268 Section 3. Section 112.3215, Florida Statutes, is amended
269 to read:

270 112.3215 Lobbying ~~Lobbyists~~ before the executive branch or
271 the Constitution Revision Commission; registration and
272 reporting; investigation by commission.--

273 (1) For the purposes of this section:

274 (a) "Agency" means the Governor, Governor and Cabinet, or
275 any department, division, bureau, board, commission, or
276 authority of the executive branch. In addition, "agency" shall
277 mean the Constitution Revision Commission as provided by s. 2,
278 Art. XI of the State Constitution.

279 (b) "Compensation" means a payment, distribution, loan,
280 advance, reimbursement, deposit, salary, fee, retainer, or

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281 anything of value provided or owed to a lobbying firm, directly
282 or indirectly, by a principal.

283 (c)(b) "Expenditure" means a payment, distribution, loan,
284 advance, reimbursement, deposit, or anything of value made by a
285 lobbyist or principal for the purpose of lobbying. A
286 contribution made to a political party regulated under chapter
287 103 is not deemed an expenditure for purposes of this section.

288 (d)(e) "Fund" means the Executive Branch Lobby
289 Registration Trust Fund.

290 (e)1.(d) "Lobbies" means seeking, on behalf of another
291 person, to influence an agency with respect to a decision of the
292 agency in the area of policy or procurement or an attempt to
293 obtain the goodwill of an agency official or employee.

294 "Lobbies" also means influencing or attempting to influence, on
295 behalf of another, the Constitution Revision Commission's action
296 or nonaction through oral or written communication or an attempt
297 to obtain the goodwill of a member or employee of the
298 Constitution Revision Commission.

299 2. Food and beverages paid for or provided, directly or
300 indirectly, by a lobbyist or principal to, or for the benefit
301 of, an agency official or employee or a member or employee of
302 the Constitution Revision Commission is deemed an attempt to
303 obtain such person's goodwill unless the lobbyist or principal
304 is the person's parent, spouse, child, or sibling.

305 (f) "Lobbying firm" means a business entity, including an
306 individual contract lobbyist, that receives or becomes entitled
307 to receive any compensation for the purpose of lobbying, where

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308 any partner, owner, officer, or employee of the business entity
309 is a lobbyist.

310 (g)(e) "Lobbyist" means a person who is employed and
311 receives payment, or who contracts for economic consideration,
312 for the purpose of lobbying, or a person who is principally
313 employed for governmental affairs by another person or
314 governmental entity to lobby on behalf of that other person or
315 governmental entity. "Lobbyist" does not include a person who
316 is:

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

321 2. An employee of an agency or of a legislative or
322 judicial branch entity acting in the normal course of his or her
323 duties.

324 3. A confidential informant who is providing, or wishes to
325 provide, confidential information to be used for law enforcement
326 purposes.

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

330 (h)(f) "Principal" means the person, firm, corporation, or
331 other entity which has employed or retained a lobbyist,
332 including a lobbying firm that subcontracts work.

333 (2) The Executive Branch Lobby Registration Trust Fund is
334 hereby created within the commission to be used for the purpose

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335 of funding any office established to administer the registration
336 of lobbyists lobbying an agency, including the payment of
337 salaries and other expenses. The trust fund is not subject to
338 the service charge to General Revenue provisions of chapter 215.
339 All annual registration fees collected pursuant to this section
340 shall be deposited into such fund.

341 (3) A person may not lobby an agency until such person has
342 registered as a lobbyist with the commission. Such registration
343 shall be due upon initially being retained to lobby and is
344 renewable on a calendar year basis thereafter. Upon registration
345 the person shall provide a statement signed by the principal or
346 principal's representative that the registrant is authorized to
347 represent the principal. The registration shall require each ~~the~~
348 lobbyist to disclose, under oath, the following information:

349 (a) Name and business address;

350 (b) The name and business address of each principal
351 represented;

352 (c) His or her area of interest;

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

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

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

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361 (5)(a) A registered lobbyist must also submit to the
362 commission, biannually, a signed expenditure report summarizing
363 all lobbying expenditures by the lobbyist and the principal for
364 each 6-month period during any portion of which the lobbyist is
365 registered. All expenditures made by the lobbyist and the
366 principal for the purpose of lobbying must be reported.
367 Reporting of expenditures shall be on an accrual basis. The
368 report of such expenditures must identify whether the
369 expenditure was made directly by the lobbyist, directly by the
370 principal, initiated or expended by the lobbyist and paid for by
371 the principal, or initiated or expended by the principal and
372 paid for by the lobbyist. The principal is responsible for the
373 accuracy of the expenditures reported as lobbying expenditures
374 made by the principal. The lobbyist is responsible for the
375 accuracy of the expenditures reported as lobbying expenditures
376 made by the lobbyist. Expenditures made must be reported in the
377 aggregate in either the category "food and beverages" or
378 "novelty items." ~~by the category of the expenditure, including,~~
379 ~~but not limited to, the categories of food and beverages,~~
380 ~~entertainment, research, communication, media advertising,~~
381 ~~publications, travel, and lodging.~~ Lobby expenditures do not
382 include a lobbyist's or principal's salary, office expenses, and
383 personal expenses for lodging, meals, and travel.

384 (b) A principal who is represented by two or more
385 lobbyists shall designate one lobbyist whose expenditure report
386 shall include all lobbying expenditures made directly by the
387 principal and those expenditures of the designated lobbyist on

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388 | behalf of that principal as required by paragraph (a). All other
389 | lobbyists registered to represent that principal shall file a
390 | report pursuant to paragraph (a). The report of lobbying
391 | expenditures by the principal shall be made pursuant to the
392 | requirements of paragraph (a). The principal is responsible for
393 | the accuracy of figures reported by the designated lobbyist as
394 | lobbying expenditures made directly by the principal. The
395 | designated lobbyist is responsible for the accuracy of the
396 | figures reported as lobbying expenditures made by that lobbyist.

397 | (c)1. Each lobbyist, including a designated lobbyist,
398 | shall identify on the expenditure report all general areas of
399 | the principal's lobbying interest that were lobbied during the
400 | reporting period.

401 | 2. For each general area of lobbying interest designated,
402 | the lobbyist shall provide a detailed written description of all
403 | specific issues lobbied within the general area.

404 | (d)1. Each lobbying firm shall file a compensation
405 | statement with the commission for each reporting period during
406 | any portion of which one or more of the firm's lobbyists were
407 | registered to represent a principal. The report shall include
408 | the:

409 | a. Full name, business address, and telephone number of
410 | the lobbying firm; and

411 | b. Name and photograph of each of the firm's lobbyists.

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