

Bill No. CS for SB 2646

Barcode 510622

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)(b) "Division" means the Division of Legislative Information Services within the Office of Legislative

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1 Services.

2 ~~(d)(c)~~ "Expenditure" means a payment, distribution,
3 loan, advance, reimbursement, deposit, or anything of value
4 made by a lobbyist or principal for the purpose of lobbying.

5 ~~(e)(d)~~ "Legislative action" means introduction,
6 sponsorship, testimony, debate, voting, or any other official
7 action on any measure, resolution, amendment, nomination,
8 appointment, or report of, or any matter which may be the
9 subject of action by, either house of the Legislature or any
10 committee thereof.

11 ~~(f)(e)~~ "Lobbying" means influencing or attempting to
12 influence legislative action or nonaction through oral or
13 written communication or an attempt to obtain the goodwill of
14 a member or employee of the Legislature. Food and beverages
15 paid for or provided, directly or indirectly, by a lobbyist or
16 principal to, or for the benefit of, a member or employee of
17 the Legislature is deemed an attempt to obtain the goodwill of
18 the member or employee unless the lobbyist or principal is the
19 member's or employee's parent, spouse, child, or sibling.

20 (g) "Lobbying firm" means any business entity,
21 including an individual contract lobbyist, that receives or
22 becomes entitled to receive any compensation for the purpose
23 of lobbying, where any partner, owner, officer, or employee of
24 the business entity is a lobbyist.

25 ~~(h)(f)~~ "Lobbyist" means a person who is employed and
26 receives payment, or who contracts for economic consideration,
27 for the purpose of lobbying, or a person who is principally
28 employed for governmental affairs by another person or
29 governmental entity to lobby on behalf of that other person or
30 governmental entity.

31 ~~(i)(g)~~ "Principal" means the person, firm,

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1 corporation, or other entity which has employed or retained a
2 lobbyist, including a lobbying firm that subcontracts work.

3 (2) Each house of the Legislature shall provide by
4 rule, or may provide by a joint rule adopted by both houses,
5 for the registration of lobbyists who lobby the Legislature.
6 The rule may provide for the payment of a registration fee.
7 The rule may provide for exemptions from registration or
8 registration fees. The rule shall provide that:

9 (a) Registration is required for each principal
10 represented.

11 (b) Registration shall include a statement signed by
12 the principal or principal's representative that the
13 registrant is authorized to represent the principal. The
14 principal shall also designate the most recent North American
15 Industry Classification System numerical code and
16 corresponding index entry that most accurately describes the
17 principal's main business on the statement authorizing the
18 principal's designated lobbyist.

19 (c) A registrant shall promptly send a written
20 statement to the division canceling the registration for a
21 principal upon termination of the lobbyist's representation of
22 that principal. Notwithstanding this requirement, the division
23 may remove the name of a registrant from the list of
24 registered lobbyists if the principal notifies the office that
25 a person is no longer authorized to represent that principal.

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

29 (e)1. Each lobbyist and each principal shall preserve
30 for a period of 4 years all accounts, bills, receipts,
31 computer records, books, papers, and other documents and

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1 records necessary to substantiate lobbying expenditures. Any
 2 documents and records retained pursuant to this section may be
 3 inspected under reasonable circumstances by any authorized
 4 representative of the Legislature. The right of inspection may
 5 be enforced in circuit court ~~by appropriate writ issued by any~~
 6 ~~court of competent jurisdiction.~~

7 2. Each lobbying firm and each principal shall
 8 preserve for a period of 4 years all accounts, bills,
 9 receipts, computer records, books, papers, and other documents
 10 and records necessary to substantiate compensation. Any
 11 documents and records retained pursuant to this section may be
 12 subpoenaed for audit by the Auditor General pursuant to s.
 13 11.45 and such subpoena may be enforced in circuit court.

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

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

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

19 (a) Statements shall be filed by all registered
 20 lobbyists four ~~two~~ times per year, which must disclose all
 21 lobbying expenditures by the lobbyist and the principal and
 22 the source of funds for such expenditures. All expenditures
 23 made by the lobbyist and the principal for the purpose of
 24 lobbying must be reported. Reporting of expenditures shall be
 25 made on an accrual basis. The report of such expenditures must
 26 identify whether the expenditure was made directly by the
 27 lobbyist, directly by the principal, initiated or expended by
 28 the lobbyist and paid for by the principal, or initiated or
 29 expended by the principal and paid for by the lobbyist. The
 30 principal is responsible for the accuracy of the expenditures
 31 reported as lobbying expenditures made by the principal. The

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1 lobbyist is responsible for the accuracy of the expenditures
2 reported as lobbying expenditures made by the lobbyist.
3 Expenditures made must be reported in the aggregate in either
4 the category "food and beverages" or "novelty items." ~~by the~~
5 ~~category of the expenditure, including, but not limited to,~~
6 ~~the categories of food and beverages, entertainment, research,~~
7 ~~communication, media advertising, publications, travel, and~~
8 ~~lodging.~~ For each expenditure that comprises part of the
9 aggregate total reported in the "food and beverages" category,
10 the report must also include the full name and address of each
11 person to whom the expenditure was made; the date of the
12 expenditure; and, the name and title of the member or employee
13 of the Legislature for whom the expenditure was made.
14 Lobbying expenditures do not include a lobbyist's or
15 principal's salary, office expenses, and personal expenses for
16 lodging, meals, and travel.

17 (b) If a principal is represented by two or more
18 lobbyists, the first lobbyist who registers to represent that
19 principal shall be the designated lobbyist. The designated
20 lobbyist's expenditure report shall include all lobbying
21 expenditures made directly by the principal and those
22 expenditures of the designated lobbyist on behalf of that
23 principal as required by paragraph (a). All other lobbyists
24 registered to represent that principal shall file a report
25 pursuant to paragraph (a). The report of lobbying
26 expenditures by the principal shall be made pursuant to the
27 requirements of paragraph (a). The principal is responsible
28 for the accuracy of figures reported by the designated
29 lobbyist as lobbying expenditures made directly by the
30 principal. The designated lobbyist is responsible for the
31 accuracy of the figures reported as lobbying expenditures made

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1 by that lobbyist. Each lobbyist shall file an expenditure
2 report for each period during any portion of which he or she
3 was registered, and each principal shall ensure that an
4 expenditure report is filed for each period during any portion
5 of which the principal was represented by a registered
6 lobbyist.

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

11 2. For each general area of legislative interest
12 designated, the lobbyist shall provide a detailed written
13 description of all specific issues lobbied within the general
14 area.

15 (d)1. Each lobbying firm shall file a compensation
16 statement with the division for each calendar quarter during
17 any portion of which one or more of the firm's lobbyists were
18 registered to represent a principal. The report shall include
19 the:

20 a. Full name, business address, and telephone number
21 of the lobbying firm;

22 b. Name of each of the firm's lobbyists; and,

23 c. Total compensation provided or owed to the lobbying
24 firm from all principals for the reporting period, reported in
25 one of the following categories: \$0; less than \$10,000;
26 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
27 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
28 more.

29 2. For each principal represented by one or more of
30 the firm's lobbyists, the compensation report shall also
31 include the:

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1 a. Full name, business address, and telephone number
2 of the principal;

3 b. Total compensation provided or owed to the lobbying
4 firm for the reporting period, reported in one of the
5 following categories: \$0; less than \$2,000; \$2,000 to \$4,999;
6 \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

7 c. Cumulative year-to-date compensation provided or
8 owed to the lobbying firm, reported in one of the following
9 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
10 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or

11 more. If the category "\$100,000 or more" is selected, the
12 specific dollar amount of cumulative compensation must be
13 reported, rounded up or down to the nearest \$1,000; and,

14 d. If the lobbying firm is reporting compensation
15 resulting from a subcontracting agreement with another
16 lobbying firm, the full name and business address of the
17 principal originating the lobbying work.

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

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

31 ~~(f)(d)~~ The compensation and expenditure reporting

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1 statements shall be filed no later than 45 days after the end
2 of each ~~the~~ reporting period. The four reporting periods are
3 ~~The first report shall include the expenditures for the period~~
4 from January 1 through March 31, April 1 through June 30, July
5 1 through September 30, and October 1 through December 31,
6 respectively ~~June 30. The second report shall disclose~~
7 ~~expenditures for the period from July 1 through December 31.~~
8 The statements shall be rendered in the identical form
9 provided by the respective houses and shall be open to public
10 inspection. Reporting statements may be filed by electronic
11 means, when feasible.

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

21 (h)~~(f)~~ Each house of the Legislature shall provide by
22 rule, or both houses may provide by joint rule, a procedure by
23 which a lobbying firm or lobbyist who fails to timely file a
24 report shall be notified and assessed fines. The rule shall
25 provide for the following:

26 1. Upon determining that the report is late, the
27 person designated to review the timeliness of reports shall
28 immediately notify the lobbying firm or lobbyist as to the
29 failure to timely file the report and that a fine is being
30 assessed for each late day. The fine shall be \$50 per day per
31 report for each late day, not to exceed \$5,000 per report.

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

4 a. When a report is actually received by the lobbyist
5 registration and reporting office.

6 b. When the report is postmarked.

7 c. When the certificate of mailing is dated.

8 d. When the receipt from an established courier
9 company is dated.

10 3. Such fine shall be paid within 30 days after the
11 notice of payment due is transmitted by the Lobbyist
12 Registration Office, unless appeal is made to the division.
13 The moneys shall be deposited into the Legislative Lobbyist
14 Registration Trust Fund.

15 4. A fine shall not be assessed against a lobbying
16 firm or lobbyist the first time any reports for which the
17 lobbying firm or lobbyist is responsible are not timely filed.
18 However, to receive the one-time fine waiver, all reports for
19 which the lobbying firm or lobbyist is responsible must be
20 filed within 30 days after notice that any reports have not
21 been timely filed is transmitted by the Lobbyist Registration
22 Office. A fine shall be assessed for any subsequent late-filed
23 reports.

24 5. Any lobbying firm or lobbyist may appeal or dispute
25 a fine, based upon unusual circumstances surrounding the
26 failure to file on the designated due date, and may request
27 and shall be entitled to a hearing before the General Counsel
28 of the Office of Legislative Services, who shall recommend to
29 the President of the Senate and the Speaker of the House of
30 Representatives, or their respective designees, that the fine
31 be waived in whole or in part for good cause shown. The

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1 President of the Senate and the Speaker of the House of
2 Representatives, or their respective designees, may concur in
3 the recommendation and waive the fine in whole or in part. Any
4 such request shall be made within 30 days after the notice of
5 payment due is transmitted by the Lobbyist Registration
6 Office. In such case, the lobbying firm or lobbyist shall,
7 within the 30-day period, notify the person designated to
8 review the timeliness of reports in writing of his or her
9 intention to request a hearing.

10 6. A lobbyist, ~~a lobbyist's legal representative~~, or
11 the principal of a lobbyist may request that the filing of an
12 expenditure report be waived upon good cause shown, based on
13 unusual circumstances. A lobbying firm may request that the
14 filing of a compensation report be waived upon good cause
15 shown, based on unusual circumstances. The request must be
16 filed with the General Counsel of the Office of Legislative
17 Services, who shall make a recommendation concerning the
18 waiver request to the President of the Senate and the Speaker
19 of the House of Representatives. The President of the Senate
20 and the Speaker of the House of Representatives may grant or
21 deny the request.

22 7. The registration of a lobbyist who fails to timely
23 pay a fine is automatically suspended until the fine is paid
24 or waived. All lobbyist registrations for lobbyists who are
25 partners, owners, officers, or employees of a lobbying firm
26 that fails to timely pay a fine are automatically suspended
27 until the fine is paid or waived; the division shall promptly
28 notify all affected principals of any suspension or
29 reinstatement.

30 ~~8.7.~~ The person designated to review the timeliness of
31 reports shall notify the director of the division of the

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1 failure of a lobbying firm or lobbyist to file a report after
2 notice or of the failure of a lobbying firm or lobbyist to pay
3 the fine imposed.

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

9 1. Food and beverages:

10 a. Consumed at a single sitting or meal;

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

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

15 d. Provided that the actual gross value attributable
16 to a member or employee of the Legislature from all lobbyists
17 and principals paying for the food and beverages, including
18 any value attributable pursuant to paragraph (b), does not
19 exceed \$100.

20 2. Novelty items having an individual retail value of
21 \$25 or less provided to all members of the Senate or House of
22 Representatives during any regular or special session, or
23 provided during any week during which the Senate or House has
24 scheduled committee meetings. Such novelty items may also be
25 distributed to the staff of either or both houses, subject to
26 the same timing constraints.

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

30 (c) No principal shall provide compensation for
31 lobbying to any individual or business entity that is not a

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1 lobbying firm.

2 ~~(5)(4)~~ Each house of the Legislature shall provide by
 3 rule a procedure by which a person, when in doubt about the
 4 applicability and interpretation of this section in a
 5 particular context, may submit in writing the facts for an
 6 advisory opinion to the committee of either house and may
 7 appear in person before the committee. The rule shall provide
 8 a procedure by which:

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

12 (b) The committee shall make sufficient deletions to
 13 prevent disclosing the identity of persons in the decisions or
 14 opinions.

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

17 ~~(6)(5)~~ Each house of the Legislature shall provide by
 18 rule for keeping ~~keep~~ all advisory opinions of the committees
 19 relating to lobbying firms, lobbyists, and lobbying
 20 activities. ~~, as well as~~ The rule shall also provide that each
 21 house keep a current list of registered lobbyists and their
 22 respective reports required under this section, along with
 23 reports required of lobbying firms under this section, all of
 24 which shall be open for public inspection.

25 ~~(7)(6)~~ Each house of the Legislature shall provide by
 26 rule that the committee of either house ~~shall~~ investigate any
 27 lobbying firm or lobbyist ~~person engaged in legislative~~
 28 ~~lobbying~~ upon receipt of a sworn complaint alleging a
 29 violation of this section, s. 112.3148, or s. 112.3149 by such
 30 person; also, the rule shall provide that the committee of
 31 either house investigate any lobbying firm upon receipt of

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1 compensation-reporting audit information indicating a possible
2 violation other than a late-filed report. Such proceedings
3 shall be conducted pursuant to the rules of the respective
4 houses. If the committee finds that there has been a violation
5 of this section, s. 112.3148, or s. 112.3149, it shall report
6 its findings to the President of the Senate or the Speaker of
7 the House of Representatives, as appropriate, together with a
8 recommended penalty, to include a fine of not more than
9 \$5,000, reprimand, censure, probation, or prohibition from
10 lobbying for a period of time not to exceed 24 months. Upon
11 the receipt of such report, the President of the Senate or the
12 Speaker of the House of Representatives shall cause the
13 committee report and recommendations to be brought before the
14 respective house and a final determination shall be made by a
15 majority of said house.

16 ~~(8)(7)~~ Any person required to be registered or to
17 provide information pursuant to this section or pursuant to
18 rules established in conformity with this section who
19 knowingly fails to disclose any material fact required by this
20 section or by rules established in conformity with this
21 section, or who knowingly provides false information on any
22 report required by this section or by rules established in
23 conformity with this section, commits a noncriminal
24 infraction, punishable by a fine not to exceed \$5,000. Such
25 penalty shall be in addition to any other penalty assessed by
26 a house of the Legislature pursuant to subsection ~~(7)(6)~~.

27 ~~(9)(8)~~ There is hereby created the Legislative
28 Lobbyist Registration Trust Fund, to be used for the purpose
29 of funding any office established for the administration of
30 the registration of lobbyist lobbying the Legislature,
31 including the payment of salaries and other expenses, and for

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1 the purpose of paying the expenses incurred by the Legislature
 2 in providing services to lobbyists. The trust fund is not
 3 subject to the service charge to general revenue provisions of
 4 chapter 215. Fees collected pursuant to rules established in
 5 accordance with subsection (2) shall be deposited into the
 6 Legislative Lobbyist Registration Trust Fund.

7 Section 2. Effective April 1, 2006, subsection (3) of
 8 section 11.045, as amended by this act, is amended to read:

9 11.045 Lobbyists; registration and reporting;
 10 exemptions; penalties.--

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

13 (a) Statements shall be filed by all registered
 14 lobbyists four times per year, which must disclose all
 15 lobbying expenditures by the lobbyist and the principal and
 16 the source of funds for such expenditures. All expenditures
 17 made by the lobbyist and the principal for the purpose of
 18 lobbying must be reported. Reporting of expenditures shall be
 19 made on an accrual basis. The report of such expenditures must
 20 identify whether the expenditure was made directly by the
 21 lobbyist, directly by the principal, initiated or expended by
 22 the lobbyist and paid for by the principal, or initiated or
 23 expended by the principal and paid for by the lobbyist. The
 24 principal is responsible for the accuracy of the expenditures
 25 reported as lobbying expenditures made by the principal. The
 26 lobbyist is responsible for the accuracy of the expenditures
 27 reported as lobbying expenditures made by the lobbyist.

28 Expenditures made must be reported in the aggregate in either
 29 the category of "food and beverages" or "novelty items." For
 30 each expenditure that comprises part of the aggregate total
 31 reported in the "food and beverages" category, the report must

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1 also include the full name and address of each person to whom
 2 the expenditure was made; the date of the expenditure; and,
 3 the name and title of the member or employee of the
 4 Legislature for whom the expenditure was made. Lobbying
 5 expenditures do not include a lobbyist's or principal's
 6 salary, office expenses, and personal expenses for lodging,
 7 meals, and travel.

8 (b) If a principal is represented by two or more
 9 lobbyists, the first lobbyist who registers to represent that
 10 principal shall be the designated lobbyist. The designated
 11 lobbyist's expenditure report shall include all lobbying
 12 expenditures made directly by the principal and those
 13 expenditures of the designated lobbyist on behalf of that
 14 principal as required by paragraph (a). All other lobbyists
 15 registered to represent that principal shall file a report
 16 pursuant to paragraph (a). The report of lobbying
 17 expenditures by the principal shall be made pursuant to the
 18 requirements of paragraph (a). The principal is responsible
 19 for the accuracy of figures reported by the designated
 20 lobbyist as lobbying expenditures made directly by the
 21 principal. The designated lobbyist is responsible for the
 22 accuracy of the figures reported as lobbying expenditures made
 23 by that lobbyist. Each lobbyist shall file an expenditure
 24 report for each period during any portion of which he or she
 25 was registered, and each principal shall ensure that an
 26 expenditure report is filed for each period during any portion
 27 of which the principal was represented by a registered
 28 lobbyist.

29 (c)1. Each lobbyist, including a designated lobbyist,
 30 shall identify on the activity report all general areas of the
 31 principal's legislative interest that were lobbied during the

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1 reporting period.

2 2. For each general area of legislative interest
3 designated, the lobbyist shall provide a detailed written
4 description of all specific issues lobbied within the general
5 area.

6 (d)1. Each lobbying firm shall file a compensation
7 statement with the division for each calendar quarter during
8 any portion of which one or more of the firm's lobbyists were
9 registered to represent a principal. The report shall include
10 the:

11 a. Full name, business address, and telephone number
12 of the lobbying firm;

13 b. Name of each of the firm's lobbyists; and,

14 c. Total compensation provided or owed to the lobbying
15 firm from all principals for the reporting period, reported in
16 one of the following categories: \$0; less than \$10,000;
17 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
18 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
19 more.

20 2. For each principal represented by one or more of
21 the firm's lobbyists, the compensation report shall also
22 include the:

23 a. Full name, business address, and telephone number
24 of the principal;

25 b. Total compensation provided or owed to the lobbying
26 firm for the reporting period, reported in one of the
27 following categories: \$0; less than \$2,000; \$2,000 to \$4,999;
28 \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

29 c. Cumulative year-to-date compensation provided or
30 owed to the lobbying firm, reported in one of the following
31 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to

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1 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or
2 more. If the category "\$100,000 or more" is selected, the
3 specific dollar amount of cumulative compensation must be
4 reported, rounded up or down to the nearest \$1,000; and,

5 d. If the lobbying firm is reporting compensation
6 resulting from a subcontracting agreement with another
7 lobbying firm, the full name and business address of the
8 principal originating the lobbying work.

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

12 (e) For each reporting period the division shall
13 aggregate the expenditures reported by all of the lobbyists
14 for a principal represented by more than one lobbyist.
15 Further, the division shall aggregate figures that provide a
16 cumulative total of expenditures reported as spent by and on
17 behalf of each principal for the calendar year. For each
18 principal represented by more than one lobbying firm, the
19 division shall also aggregate the reporting-period and
20 calendar-year compensation reported as provided or owed by the
21 principal.

22 (f) The compensation and expenditure reporting
23 statements shall be filed no later than 45 days after the end
24 of each reporting period. The four reporting periods are from
25 January 1 through March 31, April 1 through June 30, July 1
26 through September 30, and October 1 through December 31,
27 respectively. The statements shall be rendered in the
28 identical form provided by the respective houses and shall be
29 open to public inspection. Reporting statements must ~~may~~ be
30 filed by electronic means as provided in s. 11.0455, ~~when~~
31 ~~feasible.~~

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

10 (g)(h) Each house of the Legislature shall provide by
11 rule, or both houses may provide by joint rule, a procedure by
12 which a lobbying firm or lobbyist who fails to timely file a
13 report shall be notified and assessed fines. The rule shall
14 provide for the following:

15 1. Upon determining that the report is late, the
16 person designated to review the timeliness of reports shall
17 immediately notify the lobbying firm or lobbyist as to the
18 failure to timely file the report and that a fine is being
19 assessed for each late day. The fine shall be \$50 per day per
20 report for each late day, not to exceed \$5,000 per report.

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

24 a. When a report is actually received by the lobbyist
25 registration and reporting office.

26 b. When the electronic receipt issued pursuant to s.
27 11.0455 is dated. ~~When the report is postmarked.~~

28 c. ~~When the certificate of mailing is dated.~~

29 d. ~~When the receipt from an established courier~~
30 ~~company is dated.~~

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

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1 notice of payment due is transmitted by the Lobbyist
 2 Registration Office, unless appeal is made to the division.
 3 The moneys shall be deposited into the Legislative Lobbyist
 4 Registration Trust Fund.

5 4. A fine shall not be assessed against a lobbying
 6 firm or lobbyist the first time any reports for which the
 7 lobbying firm or lobbyist is responsible are not timely filed.
 8 However, to receive the one-time fine waiver, all reports for
 9 which the lobbying firm or lobbyist is responsible must be
 10 filed within 30 days after notice that any reports have not
 11 been timely filed is transmitted by the Lobbyist Registration
 12 Office. A fine shall be assessed for any subsequent late-filed
 13 reports.

14 5. Any lobbying firm or lobbyist may appeal or dispute
 15 a fine, based upon unusual circumstances surrounding the
 16 failure to file on the designated due date, and may request
 17 and shall be entitled to a hearing before the General Counsel
 18 of the Office of Legislative Services, who shall recommend to
 19 the President of the Senate and the Speaker of the House of
 20 Representatives, or their respective designees, that the fine
 21 be waived in whole or in part for good cause shown. The
 22 President of the Senate and the Speaker of the House of
 23 Representatives, or their respective designees, may concur in
 24 the recommendation and waive the fine in whole or in part. Any
 25 such request shall be made within 30 days after the notice of
 26 payment due is transmitted by the Lobbyist Registration
 27 Office. In such case, the lobbying firm or lobbyist shall,
 28 within the 30-day period, notify the person designated to
 29 review the timeliness of reports in writing of his or her
 30 intention to request a hearing.

31 6. A lobbyist or the principal of a lobbyist may

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1 request that the filing of an expenditure report be waived
 2 upon good cause shown, based on unusual circumstances. A
 3 lobbying firm may request that the filing of a compensation
 4 report be waived upon good cause shown, based on unusual
 5 circumstances. The request must be filed with the General
 6 Counsel of the Office of Legislative Services, who shall make
 7 a recommendation concerning the waiver request to the
 8 President of the Senate and the Speaker of the House of
 9 Representatives. The President of the Senate and the Speaker
 10 of the House of Representatives may grant or deny the request.

11 7. The registration of a lobbyist who fails to timely
 12 pay a fine is automatically suspended until the fine is paid
 13 or waived. All lobbyist registrations for lobbyists who are
 14 partners, owners, officers, or employees of a lobbying firm
 15 that fails to timely pay a fine are automatically suspended
 16 until the fine is paid or waived.

17 8. The person designated to review the timeliness of
 18 reports shall notify the director of the division of the
 19 failure of a lobbying firm or lobbyist to file a report after
 20 notice or of the failure of a lobbying firm or lobbyist to pay
 21 the fine imposed.

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

24 11.0455 Electronic filing of compensation and
 25 expenditure reports.--

26 (1) As used in this section, the term "electronic
 27 filing system" means an Internet system for recording and
 28 reporting lobbying compensation, expenditures, and other
 29 required information by reporting period.

30 (2) Each lobbying firm or lobbyist who is required to
 31 file reports with the Division of Legislative Information

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1 Services pursuant to s. 11.045 must file such reports with the
2 division by means of the division's electronic filing system.

3 (3) A report filed pursuant to this section must be
4 completed and filed through the electronic filing system not
5 later than 11:59 p.m. of the day designated in s. 11.045. A
6 report not filed by 11:59 p.m. of the day designated is a
7 late-filed report and is subject to the penalties under s.
8 11.045(3).

9 (4) Each report filed pursuant to this section is
10 considered to be certified as accurate and complete by the
11 lobbyist, the lobbying firm, or the designated lobbyist and
12 principal, whichever is applicable, and such persons are
13 subject to the provisions of s. 11.045(7) and s. 11.045(8).
14 Persons given a secure sign-on to the electronic filing system
15 are responsible for protecting it from disclosure and are
16 responsible for all filings using such credentials, unless
17 they have notified the division that their credentials have
18 been compromised.

19 (5) The electronic filing system developed by the
20 division must:

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

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

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

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

29 (6) Each house of the Legislature shall provide by
30 rule, or may provide by a joint rule adopted by both houses,
31 procedures to implement and administer this section,

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1 including, but not limited to:

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

4 (b) The issuance of an electronic receipt to the
5 person submitting the report indicating and verifying the date
6 and time that the report was filed.

7 (7) Each house of the Legislature shall provide by
8 rule that the division make all the data filed available on
9 the Internet in an easily understood and accessible format.
10 The Internet website shall also include, but not be limited
11 to, the names and business addresses of lobbyists, lobbying
12 firms, and principals, the affiliations between lobbyists and
13 principals, and the North American Industry Classification
14 System code and corresponding index entry identified by each
15 principal pursuant to s. 11.045(2).

16 Section 4. Effective April 1, 2007, subsection (2) of
17 section 11.45, Florida Statutes, is amended to read:

18 11.45 Definitions; duties; authorities; reports;
19 rules.--

20 (2) DUTIES.--The Auditor General shall:

21 (a) Conduct audits of records and perform related
22 duties as prescribed by law, concurrent resolution of the
23 Legislature, or as directed by the Legislative Auditing
24 Committee.

25 (b) Annually conduct a financial audit of state
26 government.

27 (c) Annually conduct financial audits of all
28 universities and district boards of trustees of community
29 colleges.

30 (d) Annually conduct financial audits of the accounts
31 and records of all district school boards in counties with

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1 populations of fewer than 150,000, according to the most
2 recent federal decennial statewide census.

3 (e) Annually conduct an audit of the Wireless
4 Emergency Telephone System Fund as described in s. 365.173.

5 (f) Annually conduct audits of the accounts and
6 records of the Florida School for the Deaf and the Blind.

7 (g) At least every 2 years, conduct operational audits
8 of the accounts and records of state agencies and
9 universities. In connection with these audits, the Auditor
10 General shall give appropriate consideration to reports issued
11 by state agencies' inspectors general or universities'
12 inspectors general and the resolution of findings therein.

13 (h) At least every 2 years, conduct a performance
14 audit of the local government financial reporting system,
15 which, for the purpose of this chapter, means any statutory
16 provisions related to local government financial reporting.
17 The purpose of such an audit is to determine the accuracy,
18 efficiency, and effectiveness of the reporting system in
19 achieving its goals and to make recommendations to the local
20 governments, the Governor, and the Legislature as to how the
21 reporting system can be improved and how program costs can be
22 reduced. The Auditor General shall determine the scope of such
23 audits. The local government financial reporting system should
24 provide for the timely, accurate, uniform, and cost-effective
25 accumulation of financial and other information that can be
26 used by the members of the Legislature and other appropriate
27 officials to accomplish the following goals:

- 28 1. Enhance citizen participation in local government;
- 29 2. Improve the financial condition of local
30 governments;

- 31 3. Provide essential government services in an

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1 efficient and effective manner; and

2 4. Improve decisionmaking on the part of the
3 Legislature, state agencies, and local government officials on
4 matters relating to local government.

5 (i) Once every 3 years, conduct performance audits of
6 the Department of Revenue's administration of the ad valorem
7 tax laws as described in s. 195.096.

8 (j) Once every 3 years, conduct financial audits of
9 the accounts and records of all district school boards in
10 counties with populations of 125,000 or more, according to the
11 most recent federal decennial statewide census.

12 (k) Once every 3 years, review a sample of each state
13 agency's internal audit reports to determine compliance with
14 current Standards for the Professional Practice of Internal
15 Auditing or, if appropriate, government auditing standards.

16 (l) Conduct audits of local governmental entities when
17 determined to be necessary by the Auditor General, when
18 directed by the Legislative Auditing Committee, or when
19 otherwise required by law. No later than 18 months after the
20 release of the audit report, the Auditor General shall perform
21 such appropriate followup procedures as he or she deems
22 necessary to determine the audited entity's progress in
23 addressing the findings and recommendations contained within
24 the Auditor General's previous report. The Auditor General
25 shall provide a copy of his or her determination to each
26 member of the audited entity's governing body and to the
27 Legislative Auditing Committee.

28 (m) Annually conduct audits of all quarterly
29 compensation reports for the previous calendar year filed
30 pursuant to s. 11.045 and s. 11.0455, or s. 112.3215 and s.
31 112.32155, respectively, for a random sample of 5 percent of

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1 all legislative lobbying firms and 5 percent of all executive
2 branch lobbying firms.

3 1. The audit shall be limited to determining
4 compliance with the lobbying compensation reporting
5 requirements of s. 11.045 or s. 112.3215, whichever is
6 applicable, except that the audit scope may not include the
7 timeliness of the filing.

8 2. The random selection of lobbying firms to be
9 audited shall be done in a manner pursuant to which the
10 identity of any particular lobbying firm selected for audit is
11 unknown to the Auditor General or the Auditor General's staff
12 prior to selection.

13 3. The Auditor General shall adopt guidelines which
14 govern random audits and field investigations conducted
15 pursuant to this paragraph. The guidelines shall ensure that
16 similarly situated compensation reports are audited in a
17 uniform manner. The guidelines shall also be formulated to
18 accomplish the following purposes:

19 a. The audits should encourage compliance and detect
20 violations of the legislative and executive lobbying
21 compensation reporting requirements in s. 11.045 and s.
22 112.3215;

23 b. The audits should be conducted with maximum
24 efficiency in a cost-effective manner; and

25 c. The audits should be as unobtrusive as possible
26 consistent with the foregoing purposes.

27
28 In adopting the guidelines, the Auditor General shall consider
29 relevant guidelines and standards of the American Institute of
30 Certified Public Accountants to the extent such guidelines and
31 standards are applicable and consistent with the purposes set

1 forth in this subparagraph.

2 4. The Auditor General shall forward all legislative
3 lobbying final audit reports to the legislative committees
4 designated in s. 11.045, and shall forward all executive
5 lobbying final audit reports to the Florida Commission on
6 Ethics.

7
8 The Auditor General shall perform his or her duties
9 independently but under the general policies established by
10 the Legislative Auditing Committee. This subsection does not
11 limit the Auditor General's discretionary authority to conduct
12 other audits or engagements of governmental entities as
13 authorized in subsection (3).

14 Section 5. Effective April 1, 2006, subsection (3) of
15 section 11.45, Florida Statutes, is amended to read:

16 11.45 Definitions; duties; authorities; reports;
17 rules.--

18 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--The
19 Auditor General may, pursuant to his or her own authority, or
20 at the direction of the Legislative Auditing Committee,
21 conduct audits or other engagements as determined appropriate
22 by the Auditor General of:

23 (a) The accounts and records of any governmental
24 entity created or established by law.

25 (b) The information technology programs, activities,
26 functions, or systems of any governmental entity created or
27 established by law.

28 (c) The accounts and records of any charter school
29 created or established by law.

30 (d) The accounts and records of any direct-support
31 organization or citizen support organization created or

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1 established by law. The Auditor General is authorized to
2 require and receive any records from the direct-support
3 organization or citizen support organization, or from its
4 independent auditor.

5 (e) The public records associated with any
6 appropriation made by the Legislature to a nongovernmental
7 agency, corporation, or person. All records of a
8 nongovernmental agency, corporation, or person with respect to
9 the receipt and expenditure of such an appropriation shall be
10 public records and shall be treated in the same manner as
11 other public records are under general law.

12 (f) State financial assistance provided to any
13 nonstate entity as defined by s. 215.97.

14 (g) The Tobacco Settlement Financing Corporation
15 created pursuant to s. 215.56005.

16 (h) Any purchases of federal surplus lands for use as
17 sites for correctional facilities as described in s. 253.037.

18 (i) Enterprise Florida, Inc., including any of its
19 boards, advisory committees, or similar groups created by
20 Enterprise Florida, Inc., and programs. The audit report may
21 not reveal the identity of any person who has anonymously made
22 a donation to Enterprise Florida, Inc., pursuant to this
23 paragraph. The identity of a donor or prospective donor to
24 Enterprise Florida, Inc., who desires to remain anonymous and
25 all information identifying such donor or prospective donor
26 are confidential and exempt from the provisions of s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
28 anonymity shall be maintained in the auditor's report.

29 (j) The Florida Development Finance Corporation or the
30 capital development board or the programs or entities created
31 by the board. The audit or report may not reveal the identity

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1 of any person who has anonymously made a donation to the board
 2 pursuant to this paragraph. The identity of a donor or
 3 prospective donor to the board who desires to remain anonymous
 4 and all information identifying such donor or prospective
 5 donor are confidential and exempt from the provisions of s.
 6 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 7 anonymity shall be maintained in the auditor's report.

8 (k) The records pertaining to the use of funds from
 9 voluntary contributions on a motor vehicle registration
 10 application or on a driver's license application authorized
 11 pursuant to ss. 320.023 and 322.081.

12 (l) The records pertaining to the use of funds from
 13 the sale of specialty license plates described in chapter 320.

14 (m) The transportation corporations under contract
 15 with the Department of Transportation that are acting on
 16 behalf of the state to secure and obtain rights-of-way for
 17 urgently needed transportation systems and to assist in the
 18 planning and design of such systems pursuant to ss.
 19 339.401-339.421.

20 (n) The acquisitions and divestitures related to the
 21 Florida Communities Trust Program created pursuant to chapter
 22 380.

23 (o) The Florida Water Pollution Control Financing
 24 Corporation created pursuant to s. 403.1837.

25 (p) The Florida Partnership for School Readiness
 26 created pursuant to s. 411.01.

27 (q) The Florida Special Disability Trust Fund
 28 Financing Corporation created pursuant to s. 440.49.

29 (r) Workforce Florida, Inc., or the programs or
 30 entities created by Workforce Florida, Inc., created pursuant
 31 to s. 445.004.

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1 (s) The corporation defined in s. 455.32 that is under
 2 contract with the Department of Business and Professional
 3 Regulation to provide administrative, investigative,
 4 examination, licensing, and prosecutorial support services in
 5 accordance with the provisions of s. 455.32 and the practice
 6 act of the relevant profession.

7 (t) The Florida Engineers Management Corporation
 8 created pursuant to chapter 471.

9 (u) The Investment Fraud Restoration Financing
 10 Corporation created pursuant to chapter 517.

11 (v) The books and records of any permitholder that
 12 conducts race meetings or jai alai exhibitions under chapter
 13 550.

14 (w) The corporation defined in part II of chapter 946,
 15 known as the Prison Rehabilitative Industries and Diversified
 16 Enterprises, Inc., or PRIDE Enterprises.

17 (x) The Florida Virtual School pursuant to s. 1002.37.

18 (y) The accounts and records of any principal,
 19 lobbying firm, or lobbyist relating to compliance with the
 20 compensation-reporting provisions of s. 11.045 or s. 112.3215,
 21 whichever is applicable, except that the audit scope may not
 22 include the timeliness of the filing. Any audit conducted
 23 pursuant to this paragraph shall be done in accordance with
 24 the guidelines for random audits established pursuant to
 25 subparagraph (2)(m)4. The Auditor General shall forward all
 26 legislative lobbying final audit reports to the legislative
 27 committees designated in s. 11.045, and shall forward all
 28 executive and Constitution Revision Commission lobbying final
 29 audit reports to the Florida Commission on Ethics.

30 Section 6. Section 112.3215, Florida Statutes, is
 31 amended to read:

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1 112.3215 Lobbying ~~Lobbyists~~ before the executive
2 branch or the Constitution Revision Commission; registration
3 and reporting; investigation by commission.--

4 (1) For the purposes of this section:

5 (a) "Agency" means the Governor, Governor and Cabinet,
6 or any department, division, bureau, board, commission, or
7 authority of the executive branch. In addition, "agency"
8 shall mean the Constitution Revision Commission as provided by
9 s. 2, Art. XI of the State Constitution.

10 (b) "Compensation" means a payment, distribution,
11 loan, advance, reimbursement, deposit, salary, fee, retainer,
12 or anything of value provided or owed to a lobbying firm,
13 directly or indirectly, by a principal.

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

17 (d)~~(c)~~ "Fund" means the Executive Branch Lobby
18 Registration Trust Fund.

19 (e)1.~~(d)~~ "Lobbies" means seeking, on behalf of another
20 person, to influence an agency with respect to a decision of
21 the agency in the area of policy or procurement or an attempt
22 to obtain the goodwill of an agency official or employee.

23 "Lobbies" also means influencing or attempting to influence,
24 on behalf of another, the Constitution Revision Commission's
25 action or nonaction through oral or written communication or
26 an attempt to obtain the goodwill of a member or employee of
27 the Constitution Revision Commission.

28 2. Food and beverages paid for or provided, directly
29 or indirectly, by a lobbyist or principal to, or for the
30 benefit of, an agency official or employee or a member or
31 employee of the Constitution Revision Commission is deemed an

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1 attempt to obtain such person's goodwill unless the lobbyist
2 or principal is the person's parent, spouse, child, or
3 sibling.

4 (f) "Lobbying firm" means a business entity, including
5 an individual contract lobbyist, that receives or becomes
6 entitled to receive any compensation for the purpose of
7 lobbying, where any partner, owner, officer, or employee of
8 the business entity is a lobbyist.

9 (g)~~(e)~~ "Lobbyist" means a person who is employed and
10 receives payment, or who contracts for economic consideration,
11 for the purpose of lobbying, or a person who is principally
12 employed for governmental affairs by another person or
13 governmental entity to lobby on behalf of that other person or
14 governmental entity. "Lobbyist" does not include a person who
15 is:

16 1. An attorney, or any person, who represents a client
17 in a judicial proceeding or in a formal administrative
18 proceeding conducted pursuant to chapter 120 or any other
19 formal hearing before an agency, board, commission, or
20 authority of this state.

21 2. An employee of an agency or of a legislative or
22 judicial branch entity acting in the normal course of his or
23 her duties.

24 3. A confidential informant who is providing, or
25 wishes to provide, confidential information to be used for law
26 enforcement purposes.

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

30 (h)~~(f)~~ "Principal" means the person, firm,
31 corporation, or other entity which has employed or retained a

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1 lobbyist, including a lobbying firm that subcontracts work.

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

10 (3) A person may not lobby an agency until such person
11 has registered as a lobbyist with the commission. Such
12 registration shall be due upon initially being retained to
13 lobby and is renewable on a calendar year basis thereafter.
14 Upon registration the person shall provide a statement signed
15 by the principal or principal's representative that the
16 registrant is authorized to represent the principal. The
17 principal shall also designate the most recent North American
18 Industry Classification System numerical code and
19 corresponding index entry that most accurately describes the
20 principal's main business on the statement authorizing the
21 principal's designated lobbyist. The registration shall
22 require each ~~the~~ lobbyist to disclose, under oath, the
23 following information:

- 24 (a) Name and business address;
- 25 (b) The name and business address of each principal
- 26 represented;
- 27 (c) His or her area of interest;
- 28 (d) The agencies before which he or she will appear;
- 29 and
- 30 (e) The existence of any direct or indirect business
- 31 association, partnership, or financial relationship with any

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1 employee of an agency with which he or she lobbies, or intends
2 to lobby, as disclosed in the registration.

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

6 (5)(a) A registered lobbyist must also submit to the
7 commission, quarterly ~~biannually~~, a signed expenditure report
8 summarizing all lobbying expenditures by the lobbyist and the
9 principal for each 3-month ~~6-month~~ period during any portion
10 of which the lobbyist is registered. All expenditures made by
11 the lobbyist and the principal for the purpose of lobbying
12 must be reported. Reporting of expenditures shall be on an
13 accrual basis. The report of such expenditures must identify
14 whether the expenditure was made directly by the lobbyist,
15 directly by the principal, initiated or expended by the
16 lobbyist and paid for by the principal, or initiated or
17 expended by the principal and paid for by the lobbyist. The
18 principal is responsible for the accuracy of the expenditures
19 reported as lobbying expenditures made by the principal. The
20 lobbyist is responsible for the accuracy of the expenditures
21 reported as lobbying expenditures made by the lobbyist.
22 Expenditures made must be reported in the aggregate in either
23 the category "food and beverages" or "novelty items." ~~by the~~
24 ~~category of the expenditure, including, but not limited to,~~
25 ~~the categories of food and beverages, entertainment, research,~~
26 ~~communication, media advertising, publications, travel, and~~
27 ~~lodging.~~ For each expenditure that comprises part of the
28 aggregate total reported in the "food and beverages" category,
29 the report must also include the full name and address of each
30 person to whom the expenditure was made; the date of the
31 expenditure; and, the name, title, and agency of the official,

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1 member, or employee for whom the expenditure was made. Lobby
2 expenditures do not include a lobbyist's or principal's
3 salary, office expenses, and personal expenses for lodging,
4 meals, and travel.

5 (b) A principal who is represented by two or more
6 lobbyists shall designate one lobbyist whose expenditure
7 report shall include all lobbying expenditures made directly
8 by the principal and those expenditures of the designated
9 lobbyist on behalf of that principal as required by paragraph
10 (a). All other lobbyists registered to represent that
11 principal shall file a report pursuant to paragraph (a). The
12 report of lobbying expenditures by the principal shall be made
13 pursuant to the requirements of paragraph (a). The principal
14 is responsible for the accuracy of figures reported by the
15 designated lobbyist as lobbying expenditures made directly by
16 the principal. The designated lobbyist is responsible for the
17 accuracy of the figures reported as lobbying expenditures made
18 by that lobbyist.

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

23 2. For each general area of lobbying interest
24 designated, the lobbyist shall provide a detailed written
25 description of all specific issues lobbied within the general
26 area.

27 (d)1. Each lobbying firm shall file a compensation
28 statement with the commission for each calendar quarter during
29 any portion of which one or more of the firm's lobbyists were
30 registered to represent a principal. The report shall include
31 the:

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1 a. Full name, business address, and telephone number
2 of the lobbying firm;

3 b. Name of each of the firm's lobbyists; and,

4 c. Total compensation provided or owed to the lobbying
5 firm from all principals for the reporting period, reported in
6 one of the following categories: \$0; less than \$10,000;
7 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
8 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
9 more.

10 2. For each principal represented by one or more of
11 the firm's lobbyists, the compensation report shall also
12 include the:

13 a. Full name, business address, and telephone number
14 of the principal;

15 b. Total compensation provided or owed to the lobbying
16 firm for the reporting period, reported in one of the
17 following categories: \$0; less than \$2,000; \$2,000 to \$4,999;
18 \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

19 c. Cumulative year-to-date compensation provided or
20 owed to the lobbying firm, reported in one of the following
21 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
22 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or
23 more. If the category "\$100,000 or more" is selected, the
24 specific dollar amount of cumulative compensation must be
25 reported, rounded up or down to the nearest \$1,000; and,

26 d. If the lobbying firm is reporting compensation
27 resulting from a subcontracting agreement with another
28 lobbying firm, the full name and business address of the
29 principal originating the lobbying work.

30 3. The senior partner, officer, or owner of the
31 lobbying firm shall certify to the veracity and completeness

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1 of the information submitted pursuant to this paragraph.

2 ~~(e)(c)~~ For each reporting period the commission shall
3 aggregate the expenditures of all lobbyists for a principal
4 represented by more than one lobbyist. Further, the commission
5 shall aggregate figures that provide a cumulative total of
6 expenditures reported as spent by and on behalf of each
7 principal for the calendar year. For each principal
8 represented by more than one lobbying firm, the commission
9 shall also aggregate the reporting-period and calendar-year
10 compensation reported as provided or owed by the principal.

11 ~~(f)(d)~~ The compensation and expenditure reporting
12 statements shall be filed no later than 45 days after the end
13 of each reporting period. ~~and shall include the expenditures~~
14 ~~for the period~~ The four reporting periods are from January 1
15 through March 31 June 30, April 1 through June 30, and July 1
16 through September 30, and October 1 through December 31,
17 respectively.

18 ~~(g)(e)~~ Reports shall be filed not later than 5 p.m. of
19 the report due date. However, any report that is postmarked
20 by the United States Postal Service no later than midnight of
21 the due date shall be deemed to have been filed in a timely
22 manner, and a certificate of mailing obtained from and dated
23 by the United States Postal Service at the time of the
24 mailing, or a receipt from an established courier company
25 which bears a date on or before the due date, shall be proof
26 of mailing in a timely manner.

27 ~~(h)(f)~~ The commission shall provide by rule a
28 procedure by which a lobbying firm or lobbyist who fails to
29 timely file a report shall be notified and assessed fines.
30 The rule shall provide for the following:

- 31 1. Upon determining that the report is late, the

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1 person designated to review the timeliness of reports shall
 2 immediately notify the lobbying firm or lobbyist as to the
 3 failure to timely file the report and that a fine is being
 4 assessed for each late day. The fine shall be \$50 per day per
 5 report for each late day up to a maximum of \$5,000 per late
 6 report.

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

10 a. When a report is actually received by the lobbyist
 11 registration and reporting office.

12 b. When the report is postmarked.

13 c. When the certificate of mailing is dated.

14 d. When the receipt from an established courier
 15 company is dated.

16 3. Such fine shall be paid within 30 days after the
 17 notice of payment due is transmitted by the Lobbyist
 18 Registration Office, unless appeal is made to the commission.
 19 The moneys shall be deposited into the Executive Branch Lobby
 20 Registration Trust Fund.

21 4. A fine shall not be assessed against a lobbying
 22 firm or lobbyist the first time any reports for which the
 23 lobbying firm or lobbyist is responsible are not timely filed.
 24 However, to receive the one-time fine waiver, all reports for
 25 which the lobbying firm or lobbyist is responsible must be
 26 filed within 30 days after the notice that any reports have
 27 not been timely filed is transmitted by the Lobbyist
 28 Registration Office. A fine shall be assessed for any
 29 subsequent late-filed reports.

30 5. Any lobbying firm or lobbyist may appeal or dispute
 31 a fine, based upon unusual circumstances surrounding the

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1 failure to file on the designated due date, and may request
 2 and shall be entitled to a hearing before the commission,
 3 which shall have the authority to waive the fine in whole or
 4 in part for good cause shown. Any such request shall be made
 5 within 30 days after the notice of payment due is transmitted
 6 by the Lobbyist Registration Office. In such case, the
 7 lobbying firm or lobbyist shall, within the 30-day period,
 8 notify the person designated to review the timeliness of
 9 reports in writing of his or her intention to bring the matter
 10 before the commission.

11 6. The person designated to review the timeliness of
 12 reports shall notify the commission of the failure of a
 13 lobbying firm or lobbyist to file a report after notice or of
 14 the failure of a lobbying firm or lobbyist to pay the fine
 15 imposed.

16 7. Notwithstanding any provision of chapter 120, any
 17 fine imposed under this subsection that is not waived by final
 18 order of the commission and that remains unpaid more than 60
 19 days after the notice of payment due or more than 60 days
 20 after the commission renders a final order on the lobbying
 21 firm's or lobbyist's appeal shall be collected by the
 22 Department of Financial Services as a claim, debt, or other
 23 obligation owed to the state, and the department may assign
 24 the collection of such fine to a collection agent as provided
 25 in s. 17.20.

26 ~~(i)(g)~~ The commission shall adopt a rule which allows
 27 reporting statements to be filed by electronic means, when
 28 feasible.

29 ~~(j)1.(h)~~ Each lobbyist and each principal shall
 30 preserve for a period of 4 years all accounts, bills,
 31 receipts, computer records, books, papers, and other documents

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1 and records necessary to substantiate lobbying expenditures.
 2 Any documents and records retained pursuant to this section
 3 may be inspected under reasonable circumstances by any
 4 authorized representative of the commission. The right of
 5 inspection may be enforced in circuit court ~~by appropriate~~
 6 ~~writ issued by any court of competent jurisdiction.~~

7 2. Each lobbying firm and each principal shall
 8 preserve for a period of 4 years all accounts, bills,
 9 receipts, computer records, books, papers, and other documents
 10 and records necessary to substantiate compensation. Any
 11 documents and records retained pursuant to this section may be
 12 subpoenaed for audit by the Auditor General pursuant to s.
 13 11.45 and such subpoena may be enforced in circuit court.

14 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or
 15 any other provision of law to the contrary, no lobbyist or
 16 principal shall make, directly or indirectly, and no agency
 17 official, member, or employee shall knowingly accept, directly
 18 or indirectly, any lobbying expenditure, except for:

- 19 1. Food and beverages:
 20 a. Consumed at a single sitting or meal;
 21 b. Paid for solely by lobbyists or principals who are
 22 present for the duration of the sitting or meal;
 23 c. Where the actual value attributable to officials,
 24 members, and employees of the agency or commission is
 25 determinable;
 26 d. Provided that the actual gross value attributable
 27 to an agency official, member, or employee from all lobbyists
 28 and principals paying for the food and beverages, including
 29 any value attributable pursuant to paragraph (b), does not
 30 exceed \$100.

31 (b) The value of any food and beverages provided to a

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1 spouse or child of an agency official, member, or employee
2 shall be attributed to such official, member, or employee.

3 (c) No principal shall provide compensation for
4 lobbying to any individual or business entity that is not a
5 lobbying firm.

6 (7)(6) A lobbyist shall promptly send a written
7 statement to the commission canceling the registration for a
8 principal upon termination of the lobbyist's representation of
9 that principal. Notwithstanding this requirement, the
10 commission may remove the name of a lobbyist from the list of
11 registered lobbyists if the principal notifies the office that
12 a person is no longer authorized to represent that principal.
13 Each lobbyist is responsible for filing an expenditure report
14 for each period during any portion of which he or she was
15 registered, and each principal is responsible for seeing that
16 an expenditure report is filed for each period during any
17 portion of which the principal was represented by a registered
18 lobbyist.

19 (8)(a)(7) The commission shall investigate every sworn
20 complaint that is filed with it alleging that a person covered
21 by this section has failed to register, has failed to submit a
22 compensation or an expenditure report, or has knowingly
23 submitted false information in any report or registration
24 required in this section.

25 (b) All proceedings, the complaint, and other records
26 relating to the investigation are confidential and exempt from
27 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
28 State Constitution, and any meetings held pursuant to an
29 investigation are exempt from the provisions of s. 286.011(1)
30 and s. 24(b), Art. I of the State Constitution either until
31 the alleged violator requests in writing that such

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1 investigation and associated records and meetings be made
2 public or until the commission determines, based on the
3 investigation, whether probable cause exists to believe that a
4 violation has occurred.

5 (c) The commission shall investigate any lobbying firm
6 upon receipt of compensation-reporting audit information
7 indicating a possible violation other than a late-filed
8 report.

9 (9)(8) If the commission finds no probable cause to
10 believe that a violation of this section occurred, it shall
11 dismiss the complaint, whereupon the complaint, together with
12 a written statement of the findings of the investigation and a
13 summary of the facts, shall become a matter of public record,
14 and the commission shall send a copy of the complaint,
15 findings, and summary to the complainant and the alleged
16 violator. If, after investigating compensation-reporting
17 audit information, the commission finds no probable cause to
18 believe that a violation of this section occurred, a written
19 statement of the findings of the investigation and a summary
20 of the facts shall become a matter of public record, and the
21 commission shall send a copy of the findings and summary to
22 the alleged violator. If the commission finds probable cause
23 to believe that a violation occurred, it shall report the
24 results of its investigation to the Governor and Cabinet and
25 send a copy of the report to the alleged violator by certified
26 mail. Such notification and all documents made or received in
27 the disposition of the complaint or the compensation-reporting
28 audit information shall then become public records. Upon
29 request submitted to the Governor and Cabinet in writing, any
30 person whom the commission finds probable cause to believe has
31 violated any provision of this section shall be entitled to a

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1 public hearing. Such person shall be deemed to have waived the
2 right to a public hearing if the request is not received
3 within 14 days following the mailing of the probable cause
4 notification. However, the Governor and Cabinet may on its own
5 motion require a public hearing and may conduct such further
6 investigation as it deems necessary.

7 ~~(10)(9)~~ If the Governor and Cabinet finds that a
8 violation occurred, it may reprimand the violator, censure the
9 violator, or prohibit the violator from lobbying all agencies
10 for a period not to exceed 2 years. If the violator is a
11 lobbying firm, the Governor and Cabinet may also assess a fine
12 of not more than \$5,000 to be deposited in the Executive
13 Branch Lobby Registration Trust Fund.

14 ~~(11)(10)~~ Any person, when in doubt about the
15 applicability and interpretation of this section to himself or
16 herself in a particular context, may submit in writing the
17 facts of the situation to the commission with a request for an
18 advisory opinion to establish the standard of duty. An
19 advisory opinion shall be rendered by the commission and,
20 until amended or revoked, shall be binding on the conduct of
21 the person who sought the opinion, unless material facts were
22 omitted or misstated in the request.

23 ~~(12)(11)~~ Agencies shall be diligent to ascertain
24 whether persons required to register pursuant to this section
25 have complied. An agency may not knowingly permit a person
26 who is not registered pursuant to this section to lobby the
27 agency.

28 ~~(13)(12)~~ Upon discovery of violations of this section
29 an agency or any person may file a sworn complaint with the
30 commission.

31 ~~(14)(13)~~ The commission shall adopt rules to

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1 administer this section, which shall prescribe forms for
2 registration, compensation, and expenditure reports,
3 procedures for registration, and procedures that will prevent
4 disclosure of information that is confidential as provided in
5 this section.

6 Section 7. Effective April 1, 2006, subsection (5) of
7 section 112.3215, Florida Statutes, as amended by this act, is
8 amended to read:

9 112.3215 Lobbying before the executive branch or the
10 Constitution Revision Commission; registration and reporting;
11 investigation by commission.--

12 (5)(a) A registered lobbyist must also submit to the
13 commission, quarterly, a signed expenditure report summarizing
14 all lobbying expenditures by the lobbyist and the principal
15 for each 3-month period during any portion of which the
16 lobbyist is registered. All expenditures made by the lobbyist
17 and the principal for the purpose of lobbying must be
18 reported. Reporting of expenditures shall be on an accrual
19 basis. The report of such expenditures must identify whether
20 the expenditure was made directly by the lobbyist, directly by
21 the principal, initiated or expended by the lobbyist and paid
22 for by the principal, or initiated or expended by the
23 principal and paid for by the lobbyist. The principal is
24 responsible for the accuracy of the expenditures reported as
25 lobbying expenditures made by the principal. The lobbyist is
26 responsible for the accuracy of the expenditures reported as
27 lobbying expenditures made by the lobbyist. Expenditures made
28 must be reported in the aggregate in either the category "food
29 and beverages" or "novelty items." For each expenditure that
30 comprises part of the aggregate total reported in the "food
31 and beverages" category, the report must also include the full

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1 name and address of each person to whom the expenditure was
 2 made; the date of the expenditure; and, the name, title, and
 3 agency of the official, member, or employee for whom the
 4 expenditure was made. Lobby expenditures do not include a
 5 lobbyist's or principal's salary, office expenses, and
 6 personal expenses for lodging, meals, and travel.

7 (b) A principal who is represented by two or more
 8 lobbyists shall designate one lobbyist whose expenditure
 9 report shall include all lobbying expenditures made directly
 10 by the principal and those expenditures of the designated
 11 lobbyist on behalf of that principal as required by paragraph
 12 (a). All other lobbyists registered to represent that
 13 principal shall file a report pursuant to paragraph (a). The
 14 report of lobbying expenditures by the principal shall be made
 15 pursuant to the requirements of paragraph (a). The principal
 16 is responsible for the accuracy of figures reported by the
 17 designated lobbyist as lobbying expenditures made directly by
 18 the principal. The designated lobbyist is responsible for the
 19 accuracy of the figures reported as lobbying expenditures made
 20 by that lobbyist.

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

25 2. For each general area of legislative interest
 26 designated, the lobbyist shall provide a detailed written
 27 description of all specific issues lobbied within the general
 28 area.

29 (d)1. Each lobbying firm shall file a compensation
 30 statement with the commission for each calendar quarter during
 31 any portion of which one or more of the firm's lobbyists were

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1 registered to represent a principal. The report shall include
2 the:

3 a. Full name, business address, and telephone number
4 of the lobbying firm;

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

6 c. Total compensation provided or owed to the lobbying
7 firm from all principals for the reporting period, reported in
8 one of the following categories: \$0; less than \$10,000;
9 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
10 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
11 more.

12 2. For each principal represented by one or more of
13 the firm's lobbyists, the compensation report shall also
14 include the:

15 a. Full name, business address, and telephone number
16 of the principal;

17 b. Total compensation provided or owed to the lobbying
18 firm for the reporting period, reported in one of the
19 following categories: \$0; less than \$2,000; \$2,000 to \$4,999;
20 \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

21 c. Cumulative year-to-date compensation provided or
22 owed to the lobbying firm, reported in one of the following
23 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
24 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or
25 more. If the category "\$100,000 or more" is selected, the
26 specific dollar amount of cumulative compensation must be
27 reported, rounded up or down to the nearest \$1,000; and,

28 d. If the lobbying firm is reporting compensation
29 resulting from a subcontracting agreement with another
30 lobbying firm, the full name and business address of the
31 principal originating the lobbying work.

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

4 (e) For each reporting period the commission shall
5 aggregate the expenditures of all lobbyists for a principal
6 represented by more than one lobbyist. Further, the commission
7 shall aggregate figures that provide a cumulative total of
8 expenditures reported as spent by and on behalf of each
9 principal for the calendar year. For each principal
10 represented by more than one lobbying firm, the division shall
11 also aggregate the reporting-period and calendar-year
12 compensation reported as provided or owed by the principal.

13 (f) The compensation and expenditure reporting
14 statements shall be filed no later than 45 days after the end
15 of each reporting period. The four reporting periods are from
16 January 1 through March 31, April 1 through June 30, July 1
17 through September 30, and October 1 through December 31,
18 respectively. Reporting statements must be filed by
19 electronic means as provided in s. 112.32155.

20 ~~(g) Reports shall be filed not later than 5 p.m. of~~
21 ~~the report due date. However, any report that is postmarked~~
22 ~~by the United States Postal Service no later than midnight of~~
23 ~~the due date shall be deemed to have been filed in a timely~~
24 ~~manner, and a certificate of mailing obtained from and dated~~
25 ~~by the United States Postal Service at the time of the~~
26 ~~mailing, or a receipt from an established courier company~~
27 ~~which bears a date on or before the due date, shall be proof~~
28 ~~of mailing in a timely manner.~~

29 (g)(h) The commission shall provide by rule a
30 procedure by which a lobbying firm or lobbyist who fails to
31 timely file a report shall be notified and assessed fines.

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1 The rule shall provide for the following:

2 1. Upon determining that the report is late, the
3 person designated to review the timeliness of reports shall
4 immediately notify the lobbying firm or lobbyist as to the
5 failure to timely file the report and that a fine is being
6 assessed for each late day. The fine shall be \$50 per day per
7 report for each late day up to a maximum of \$5,000 per late
8 report.

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

12 a. When a report is actually received by the lobbyist
13 registration and reporting office.

14 b. When the electronic receipt issued pursuant to s.
15 112.32155 is dated. ~~When the report is postmarked.~~

16 ~~c. When the certificate of mailing is dated.~~

17 ~~d. When the receipt from an established courier~~
18 ~~company is dated.~~

19 3. Such fine shall be paid within 30 days after the
20 notice of payment due is transmitted by the Lobbyist
21 Registration Office, unless appeal is made to the commission.
22 The moneys shall be deposited into the Executive Branch Lobby
23 Registration Trust Fund.

24 4. A fine shall not be assessed against a lobbying
25 firm or lobbyist the first time any reports for which the
26 lobbying firm or lobbyist is responsible are not timely filed.
27 However, to receive the one-time fine waiver, all reports for
28 which the lobbying firm or lobbyist is responsible must be
29 filed within 30 days after the notice that any reports have
30 not been timely filed is transmitted by the Lobbyist
31 Registration Office. A fine shall be assessed for any

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1 subsequent late-filed reports.

2 5. Any lobbying firm or lobbyist may appeal or dispute
3 a fine, based upon unusual circumstances surrounding the
4 failure to file on the designated due date, and may request
5 and shall be entitled to a hearing before the commission,
6 which shall have the authority to waive the fine in whole or
7 in part for good cause shown. Any such request shall be made
8 within 30 days after the notice of payment due is transmitted
9 by the Lobbyist Registration Office. In such case, the
10 lobbying firm or lobbyist shall, within the 30-day period,
11 notify the person designated to review the timeliness of
12 reports in writing of his or her intention to bring the matter
13 before the commission.

14 6. The person designated to review the timeliness of
15 reports shall notify the commission of the failure of a
16 lobbying firm or lobbyist to file a report after notice or of
17 the failure of a lobbying firm or lobbyist to pay the fine
18 imposed.

19 7. Notwithstanding any provision of chapter 120, any
20 fine imposed under this subsection that is not waived by final
21 order of the commission and that remains unpaid more than 60
22 days after the notice of payment due or more than 60 days
23 after the commission renders a final order on the lobbying
24 firm's or lobbyist's appeal shall be collected by the
25 Department of Financial Services as a claim, debt, or other
26 obligation owed to the state, and the department may assign
27 the collection of such fine to a collection agent as provided
28 in s. 17.20.

29 ~~(i) The commission shall adopt a rule which allows~~
30 ~~reporting statements to be filed by electronic means, when~~
31 ~~feasible.~~

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1 ~~(h)1.(j)~~ Each lobbyist and each principal shall
 2 preserve for a period of 4 years all accounts, bills,
 3 receipts, computer records, books, papers, and other documents
 4 and records necessary to substantiate lobbying expenditures.
 5 Any documents and records retained pursuant to this section
 6 may be inspected under reasonable circumstances by any
 7 authorized representative of the commission. The right of
 8 inspection may be enforced in circuit court.

9 2. Each lobbying firm and each principal shall
 10 preserve for a period of 4 years all accounts, bills,
 11 receipts, computer records, books, papers, and other documents
 12 and records necessary to substantiate compensation. Any
 13 documents and records retained pursuant to this section may be
 14 subpoenaed for audit by the Auditor General pursuant to s.
 15 11.45 and such subpoena may be enforced in circuit court.

16 Section 8. Effective April 1, 2006, section 112.32155,
 17 Florida Statutes, is created to read:

18 112.32155 Electronic filing of compensation and
 19 expenditure reports.--

20 (1) As used in this section, the term "electronic
 21 filing system" means an Internet system for recording and
 22 reporting lobbying compensation, expenditures, and other
 23 required information by reporting period.

24 (2) Each lobbying firm or lobbyist who is required to
 25 file reports with the Commission on Ethics pursuant to s.
 26 112.3215 must file such reports with the commission by means
 27 of the electronic filing system.

28 (3) A report filed pursuant to this section must be
 29 completed and filed through the electronic filing system not
 30 later than 11:59 p.m. of the day designated in s. 112.3215. A
 31 report not filed by 11:59 p.m. of the day designated is a

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1 late-filed report and is subject to the penalties under s.
2 112.3215(5).

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

11 (5) The electronic filing system must:

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

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

15 (c) Provide for direct entry of compensation-report
16 and expenditure-report information as well as upload of such
17 information from software authorized by the commission.

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

20 (6) The commission shall provide by rule procedures to
21 implement and administer this section, including, but not
22 limited to:

23 (a) Alternate filing procedures in case the electronic
24 filing system is not operable.

25 (b) The issuance of an electronic receipt to the
26 person submitting the report indicating and verifying the date
27 and time that the report was filed.

28 (7) The commission shall make all the data filed
29 available on the Internet in an easily understood and
30 accessible format. The Internet web site shall also include,
31 but not be limited to, the names and business addresses of

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1 lobbyists, lobbying firms, and principals, affiliations
 2 between lobbyists and principals, and the North American
 3 Industry Classification code and corresponding index entry
 4 identified by each principal pursuant to s. 112.3215(3).

5 Section 9. The first compensation and expenditure
 6 reports subject to the amended reporting requirements in this
 7 act must be filed by May 15, 2006, and encompass the reporting
 8 period from January 1, 2006, through March 31, 2006.

9 Section 10. Except as otherwise provided, this act
 10 shall take effect January 1, 2006.

11
 12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16

17 and insert:

18 A bill to be entitled
 19 An act relating to lobbying; amending s.
 20 11.045, F.S., relating to the requirements that
 21 legislative lobbyists register and report as
 22 required by legislative rule; defining the
 23 terms "compensation" and "lobbying firm";
 24 amending definitions for the terms "lobbying"
 25 and "principal"; requiring each principal upon
 26 the registration of the principal's designated
 27 lobbyist to identify the principal's main
 28 business; requiring each lobbying firm and
 29 principal to maintain certain records and
 30 documents for a specified period; specifying
 31 judicial jurisdiction for enforcing the right

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1 to inspect certain documents and records;
2 modifying the aggregate reporting categories on
3 lobbying expenditure reporting forms; requiring
4 lobbying expenditure reporting forms to include
5 the name and address of each person to whom an
6 expenditure for food and beverages was made,
7 date of the expenditure, and the name and title
8 of the legislator or employee for whom the
9 expenditure was made; requiring each lobbyist
10 to report the general areas of the principal's
11 legislative interest and specific issues
12 lobbied; requiring each lobbying firm to file
13 quarterly compensation reports; requiring each
14 lobbying firm to report certain compensation
15 information in dollar categories and specific
16 dollar amounts; requiring certain lobbying
17 firms to report the name and address of the
18 principal originating lobbying work; providing
19 for certification of compensation reports;
20 requiring the Division of Legislative
21 Information Services to aggregate certain
22 compensation information; revising the period
23 for filing compensation and expenditure
24 reporting statements; prescribing procedures
25 for determining late-filing fines for
26 compensation reports; prescribing fines and
27 penalties for compensation-reporting
28 violations; providing exceptions; prohibiting
29 lobbying expenditures, except for certain food
30 and beverages and novelty items; prohibiting
31 principals from providing lobbying compensation

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1 to any individual or business entity other than
2 a lobbying firm; providing for the Legislature
3 to adopt rules to maintain and make publicly
4 available all advisory opinions and reports
5 relating to lobbying firms, to conform;
6 providing for the Legislature to adopt rules
7 authorizing legislative committees to
8 investigate certain person and entities engaged
9 in legislative lobbying; requiring compensation
10 and expenditure reports to be filed
11 electronically; creating s. 11.0455, F.S.;
12 defining the term "electronic filing system";
13 providing requirements for lobbyists and
14 lobbying firms filing reports with the Division
15 of Legislative Information Services by means of
16 the division's electronic filing system;
17 providing that such reports are considered to
18 be certified as accurate and complete;
19 providing requirements for the electronic
20 filing system; providing for the Legislature to
21 adopt rules to administer the electronic filing
22 system; requiring alternate filing procedures;
23 requiring the issuance of electronic receipts;
24 requiring that the division provide for public
25 access to certain data; amending s. 11.45,
26 F.S.; requiring that the Auditor General
27 conduct random audits of the compensation
28 reports filed by legislative and executive
29 lobbyists; prescribing conditions for the
30 random selection; directing the Auditor General
31 to adopt audit and field investigation

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1 guidelines; granting the Auditor General
2 independent authority to audit the accounts and
3 records of any principal or lobbyist with
4 respect to compliance with the
5 compensation-reporting requirements; requiring
6 that legislative lobbying audit reports be
7 forwarded to the Legislature and executive
8 lobbying audit reports be sent to the Florida
9 Commission on Ethics; amending s. 112.3215,
10 F.S., relating to the requirements that
11 executive branch and Constitution Revision
12 Commission lobbyists register and report as
13 required; defining the terms "compensation" and
14 "lobbying firm"; amending definitions for the
15 terms "lobbies" and "principal"; requiring each
16 principal upon the registration of the
17 principal's designated lobbyist to identify the
18 principal's main business; modifying the
19 aggregate reporting categories on lobbying
20 expenditure reporting forms; requiring lobbying
21 expenditure reporting forms to include the name
22 and address of each person to whom an
23 expenditure for food and beverages was made,
24 date of the expenditure, and the name and title
25 of the agency official, member, or employee for
26 whom the expenditure was made; requiring each
27 lobbyist to report the general areas of the
28 principal's lobbying interest and specific
29 issues lobbied; requiring each lobbying firm to
30 file quarterly compensation reports; requiring
31 each lobbying firm to report certain

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1 compensation information in dollar categories
2 and specific dollar amounts; requiring certain
3 lobbying firms to report the name and address
4 of the principal originating lobbying work;
5 providing for certification of compensation
6 reports; requiring the Florida Commission on
7 Ethics to aggregate certain compensation
8 information; revising the period for filing
9 compensation and expenditure reporting
10 statements; authorizing the commission to adopt
11 procedural rules for determining late-filing
12 fines for compensation reports; prescribing
13 fines and penalties for compensation-reporting
14 violations; providing exceptions; requiring
15 each lobbying firm and principal to maintain
16 certain records and documents for a specified
17 period; specifying judicial jurisdiction for
18 enforcing the right of inspection; prohibiting
19 lobbying expenditures, except for certain food
20 and beverages and novelty items; prohibiting
21 principals from providing lobbying compensation
22 to any individual or business entity other than
23 a lobbying firm; providing for the commission
24 to investigate certain lobbying firms for
25 compensation-reporting violations; providing
26 procedures for disposing of
27 compensation-reporting investigations and
28 proceedings; providing penalties; providing for
29 public access to certain records; authorizing
30 the commission to adopt administration rules
31 and forms relating to compensation reporting;

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1 requiring compensation and expenditure reports
2 to be filed electronically; creating s.
3 112.32155, F.S.; defining the term "electronic
4 filing system"; providing requirements for
5 lobbyists and lobbying firms filing reports
6 with the Florida Commission on Ethics by means
7 of the electronic filing system; providing that
8 such reports are considered to be certified as
9 accurate and complete; providing requirements
10 for the electronic filing system; providing for
11 the commission to adopt rules to administer the
12 electronic filing system; requiring alternate
13 filing procedures; requiring the issuance of
14 electronic receipts; requiring that the
15 commission provide for public access to certain
16 data; specifying the initial reporting period
17 that is subject to the requirements of the act;
18 providing an effective date.

19
20 WHEREAS, restoring the public's trust in government is
21 a top priority of the Florida Legislature, and

22 WHEREAS, it is a fundamental right for people to
23 redress their government for grievances, and,

24 WHEREAS, in many cases, lobbyists assist people in the
25 exercise of this fundamental right, and,

26 WHEREAS, lobbyists can add value to the system by
27 introducing informed perspectives and alternative points of
28 view, and,

29 WHEREAS, despite the value added by such lobbyists, the
30 public's confidence has been shaken by a perceived culture of
31 improper influence promulgated in Tallahassee and elsewhere in

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1 the State by lobbyists representing powerful special
2 interests, and,

3 WHEREAS, that public perception is grounded in lobbyist
4 advocacy that is cloaked in secrecy and conducted out of the
5 sunshine, and,

6 WHEREAS, Floridians have a right to know what the
7 Legislature and executive agencies are doing and with whom, so
8 that they can gauge the influence and the role of special
9 interests in the development and implementation of public
10 policy, and,

11 WHEREAS, the Florida Legislature believes that fuller,
12 fairer, and more open disclosure will help restore the public
13 trust in government,

14 WHEREAS, the Florida Legislature has fashioned a
15 narrowly-tailored system for furthering the State's compelling
16 governmental interest in regulating lobbying before the
17 Florida Legislature and administrative agencies, employing the
18 least intrusive means available, NOW THEREFORE,

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