

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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96 2. Has had his or her civil rights restored; and

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

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

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

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

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

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

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

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

157 3. The report shall contain the:

158 a. Full name, business address, and telephone number of
159 the lobbying firm.

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

161 c. Full name, business address, and telephone number of
162 the principal.

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

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

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176 ~~July 1 through December 31.~~ The statements shall be rendered in
177 the identical form provided by the respective houses and shall
178 be open to public inspection. Reporting statements shall ~~may~~ be
179 filed by electronic means as provided in s. 11.0455, ~~when~~
180 ~~feasible.~~

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

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

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

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

204 a. When a report is actually received by the lobbyist
205 registration and reporting office.

206 b. When the electronic receipt issued pursuant to s.
207 11.0455 is dated ~~When the report is postmarked.~~

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

209 ~~d. When the receipt from an established courier company is~~
210 ~~dated.~~

211 3. Such fine shall be paid within 30 days after the notice
212 of payment due is transmitted by the Lobbyist Registration
213 Office, unless appeal is made to the division. The moneys shall
214 be deposited into the Legislative Lobbyist Registration Trust
215 Fund.

216 4. A fine shall not be assessed against a lobbying firm or
217 lobbyist the first time any reports for which the lobbying firm
218 or lobbyist is responsible are not timely filed. However, to
219 receive the one-time fine waiver, all reports for which the
220 lobbying firm or lobbyist is responsible must be filed within 30
221 days after notice that any reports have not been timely filed is
222 transmitted by the Lobbyist Registration Office. A fine shall be
223 assessed for any subsequent late-filed reports.

224 5. Any lobbying firm or lobbyist may appeal or dispute a
225 fine, based upon unusual circumstances surrounding the failure
226 to file on the designated due date, and may request and shall be
227 entitled to a hearing before the General Counsel of the Office

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228 of Legislative Services, who shall recommend to the President of
229 the Senate and the Speaker of the House of Representatives, or
230 their respective designees, that the fine be waived in whole or
231 in part for good cause shown. The President of the Senate and
232 the Speaker of the House of Representatives, or their respective
233 designees, may concur in the recommendation and waive the fine
234 in whole or in part. Any such request shall be made within 30
235 days after the notice of payment due is transmitted by the
236 Lobbyist Registration Office. In such case, the lobbying firm
237 or lobbyist shall, within the 30-day period, notify the person
238 designated to review the timeliness of reports in writing of his
239 or her intention to request a hearing.

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

249 7. The registration of a lobbyist who fails to timely pay
250 a fine is automatically suspended until the fine is paid or
251 waived. All lobbyist registrations for lobbyists who are
252 partners, owners, officers, or employees of a lobbying firm that
253 fails to timely pay a fine are automatically suspended until the

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254 fine is paid or waived; the division shall promptly notify all
255 affected principals of any suspension or reinstatement.

256 8.7- The person designated to review the timeliness of
257 reports shall notify the director of the division of the failure
258 of a lobbying firm or lobbyist to file a report after notice or
259 of the failure of a lobbying firm or lobbyist to pay the fine
260 imposed.

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

266 1. Food and beverages:

267 a. Consumed at a single sitting or meal;

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

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

272 d. Provided that the actual gross value attributable to a
273 member or employee of the Legislature from all lobbyists and
274 principals paying for the food and beverages, including any
275 value attributable pursuant to paragraph (b), does not exceed
276 \$100.

277 2. Novelty items having an individual retail value of \$25
278 or less provided to all members of the Senate or House of
279 Representatives during any regular or special session, or
280 provided during any week during which the Senate or House has

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281 scheduled committee meetings. Such novelty items may also be
282 distributed to the staff of either or both houses, subject to
283 the same timing constraints.

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

287 (c) No principal shall provide compensation for lobbying
288 to any individual or business entity that is not a lobbying
289 firm.

290 (5)(4) Each house of the Legislature shall provide by rule
291 a procedure by which a person, when in doubt about the
292 applicability and interpretation of this section in a particular
293 context, may submit in writing the facts for an advisory opinion
294 to the committee of either house and may appear in person before
295 the committee. The rule shall provide a procedure by which:

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

299 (b) The committee shall make sufficient deletions to
300 prevent disclosing the identity of persons in the decisions or
301 opinions.

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

304 (6)(5) Each house of the Legislature shall provide by rule
305 for keeping ~~keep~~ all advisory opinions of the committees
306 relating to lobbying firms, lobbyists, and lobbying activities.
307 ~~as well as~~ The rule shall also provide that each house keep a

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308 current list of registered lobbyists and their respective
309 reports required under this section, along with reports required
310 of lobbying firms under this section, all of which shall be open
311 for public inspection.

312 (7)(6) Each house of the Legislature shall provide by rule
313 that the committee of either house ~~shall~~ investigate any
314 lobbying firm or lobbyist ~~person engaged in legislative lobbying~~
315 upon receipt of a sworn complaint alleging a violation of this
316 section, s. 112.3148, or s. 112.3149 by such person. Such
317 proceedings shall be conducted pursuant to the rules of the
318 respective houses. If the committee finds that there has been a
319 violation of this section, s. 112.3148, or s. 112.3149, it shall
320 report its findings to the President of the Senate or the
321 Speaker of the House of Representatives, as appropriate,
322 together with a recommended penalty, to include a fine of not
323 more than \$5,000, reprimand, censure, probation, or prohibition
324 from lobbying for a period of time not to exceed 24 months. Upon
325 the receipt of such report, the President of the Senate or the
326 Speaker of the House of Representatives shall cause the
327 committee report and recommendations to be brought before the
328 respective house and a final determination shall be made by a
329 majority of said house.

330 (8)(7) Any person required to be registered or to provide
331 information pursuant to this section or pursuant to rules
332 established in conformity with this section who knowingly fails
333 to disclose any material fact required by this section or by
334 rules established in conformity with this section, or who

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335 knowingly provides false information on any report required by
336 this section or by rules established in conformity with this
337 section, commits a noncriminal infraction, punishable by a fine
338 not to exceed \$5,000. Such penalty shall be in addition to any
339 other penalty assessed by a house of the Legislature pursuant to
340 subsection (7)~~(6)~~.

341 ~~(9)~~~~(8)~~ There is hereby created the Legislative Lobbyist
342 Registration Trust Fund, to be used for the purpose of funding
343 any office established for the administration of the
344 registration of lobbyist lobbying the Legislature, including the
345 payment of salaries and other expenses, and for the purpose of
346 paying the expenses incurred by the Legislature in providing
347 services to lobbyists. The trust fund is not subject to the
348 service charge to general revenue provisions of chapter 215.
349 Fees collected pursuant to rules established in accordance with
350 subsection (2) shall be deposited into the Legislative Lobbyist
351 Registration Trust Fund.

352 Section 2. Section 11.0455, Florida Statutes, is created
353 to read:

354 11.0455 Electronic filing of compensation and expenditure
355 reports.--

356 (1) As used in this section, the term "electronic filing
357 system" means an Internet system for recording and reporting
358 lobbying compensation, expenditures, and other required
359 information by reporting period.

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

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362 pursuant to s. 11.045 must file such reports with the division
363 by means of the division's electronic filing system.

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

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

379 (5) The electronic filing system developed by the division
380 must:

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

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

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

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

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

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

395 (b) The issuance of an electronic receipt to the person
396 submitting the report indicating and verifying the date and time
397 that the report was filed.

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

407 Section 3. Section 112.3215, Florida Statutes, is amended
408 to read:

409 112.3215 Lobbying ~~Lobbyists~~ before the executive branch or
410 the Constitution Revision Commission; registration and
411 reporting; investigation by commission.--

412 (1) For the purposes of this section:

413 (a) "Agency" means the Governor, Governor and Cabinet, or
414 any department, division, bureau, board, commission, or
415 authority of the executive branch. In addition, "agency" shall

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416 mean the Constitution Revision Commission as provided by s. 2,
417 Art. XI of the State Constitution.

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

421 (c) "Fund" means the Executive Branch Lobby Registration
422 Trust Fund.

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

427 "Lobbies" also means influencing or attempting to influence, on
428 behalf of another, the Constitution Revision Commission's action
429 or nonaction through oral or written communication or an attempt
430 to obtain the goodwill of a member or employee of the
431 Constitution Revision Commission.

432 2. Food and beverages paid for or provided, directly or
433 indirectly, by a lobbyist or principal to, or for the benefit
434 of, an agency official or employee or a member or employee of
435 the Constitution Revision Commission is deemed an attempt to
436 obtain such person's goodwill unless the lobbyist or principal
437 is the person's parent, spouse, child, or sibling.

438 (e) "Lobbying firm" means a business entity, including an
439 individual contract lobbyist, that receives or becomes entitled
440 to receive any compensation for the purpose of lobbying, where
441 any partner, owner, officer, or employee of the business entity
442 is a lobbyist.

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443 ~~(f)(e)~~ "Lobbyist" means a person who is employed and
444 receives payment, or who contracts for economic consideration,
445 for the purpose of lobbying, or a person who is principally
446 employed for governmental affairs by another person or
447 governmental entity to lobby on behalf of that other person or
448 governmental entity. "Lobbyist" does not include a person who
449 is:

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

454 2. An employee of an agency or of a legislative or
455 judicial branch entity acting in the normal course of his or her
456 duties.

457 3. A confidential informant who is providing, or wishes to
458 provide, confidential information to be used for law enforcement
459 purposes.

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

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

466 (2) The Executive Branch Lobby Registration Trust Fund is
467 hereby created within the commission to be used for the purpose
468 of funding any office established to administer the registration
469 of lobbyists lobbying an agency, including the payment of

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470 salaries and other expenses. The trust fund is not subject to
471 the service charge to General Revenue provisions of chapter 215.
472 All annual registration fees collected pursuant to this section
473 shall be deposited into such fund.

474 (3) A person may not lobby an agency until such person has
475 registered as a lobbyist with the commission. Such registration
476 shall be due upon initially being retained to lobby and is
477 renewable on a calendar year basis thereafter. No person
478 convicted of a felony shall register as a lobbyist pursuant to
479 this subsection, until the person: has been released from
480 incarceration and any postconviction supervision, and has paid
481 all court costs and court-ordered restitution; has had his or
482 her civil rights restored; and has been authorized by majority
483 vote of the Governor and Cabinet to register as a lobbyist. Upon
484 registration the person shall provide a statement signed by the
485 principal or principal's representative that the registrant is
486 authorized to represent the principal. The principal shall also
487 designate the most recent North American Industry Classification
488 System numerical code and corresponding index entry that most
489 accurately describes the principal's main business on the
490 statement authorizing the principal's designated lobbyist. The
491 registration shall require each ~~the~~ lobbyist to disclose, under
492 oath, the following information:

493 (a) Name and business address;

494 (b) The name and business address of each principal
495 represented;

496 (c) His or her area of interest;

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

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

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

505 (5)(a) A registered lobbyist must also submit to the
506 commission, quarterly ~~biannually~~, a signed expenditure report
507 summarizing all lobbying expenditures by the lobbyist and the
508 principal for each 3-month ~~6-month~~ period during any portion of
509 which the lobbyist is registered. All expenditures made by the
510 lobbyist and the principal for the purpose of lobbying must be
511 reported. Reporting of expenditures shall be on an accrual
512 basis. The report of such expenditures must identify whether the
513 expenditure was made directly by the lobbyist, directly by the
514 principal, initiated or expended by the lobbyist and paid for by
515 the principal, or initiated or expended by the principal and
516 paid for by the lobbyist. The principal is responsible for the
517 accuracy of the expenditures reported as lobbying expenditures
518 made by the principal. The lobbyist is responsible for the
519 accuracy of the expenditures reported as lobbying expenditures
520 made by the lobbyist. Expenditures made must be reported in the
521 aggregate in either the category "food and beverages" or
522 "novelty items." ~~by the category of the expenditure, including,~~
523 ~~but not limited to, the categories of food and beverages,~~

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524 ~~entertainment, research, communication, media advertising,~~
525 ~~publications, travel, and lodging.~~ For each expenditure that
526 comprises part of the aggregate total reported in the "food and
527 beverages" category, the report must also include the full name
528 and address of each person to whom the expenditure was made; the
529 date of the expenditure; and the name, title, and agency of the
530 official, member, or employee for whom the expenditure was made.
531 Lobby expenditures do not include a lobbyist's or principal's
532 salary, office expenses, and personal expenses for lodging,
533 meals, and travel.

534 (b) A principal who is represented by two or more
535 lobbyists shall designate one lobbyist whose expenditure report
536 shall include all lobbying expenditures made directly by the
537 principal and those expenditures of the designated lobbyist on
538 behalf of that principal as required by paragraph (a). All other
539 lobbyists registered to represent that principal shall file a
540 report pursuant to paragraph (a). The report of lobbying
541 expenditures by the principal shall be made pursuant to the
542 requirements of paragraph (a). The principal is responsible for
543 the accuracy of figures reported by the designated lobbyist as
544 lobbying expenditures made directly by the principal. The
545 designated lobbyist is responsible for the accuracy of the
546 figures reported as lobbying expenditures made by that lobbyist.

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

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

554 3. The report shall include the:

555 a. Full name, business address, and telephone number of
556 the lobbying firm.

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

558 c. Full name, business address, and telephone number of
559 the principal.

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

563 (d)(e) For each reporting period the commission shall
564 aggregate the expenditures of all lobbyists for a principal
565 represented by more than one lobbyist. Further, the commission
566 shall aggregate figures that provide a cumulative total of
567 expenditures reported as spent by and on behalf of each
568 principal for the calendar year.

569 (e)(d) The expenditure reporting statements shall be filed
570 no later than 45 days after the end of each reporting period.
571 ~~and shall include the expenditures for the period~~ The four
572 reporting periods are from January 1 through March 31 June 30,
573 April 1 through June 30, and July 1 through September 30, and
574 October 1 through December 31, respectively. Reporting
575 statements shall be filed by electronic means as provided in s.
576 112.32155.

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577 ~~(e) Reports shall be filed not later than 5 p.m. of the~~
578 ~~report due date. However, any report that is postmarked by the~~
579 ~~United States Postal Service no later than midnight of the due~~
580 ~~date shall be deemed to have been filed in a timely manner, and~~
581 ~~a certificate of mailing obtained from and dated by the United~~
582 ~~States Postal Service at the time of the mailing, or a receipt~~
583 ~~from an established courier company which bears a date on or~~
584 ~~before the due date, shall be proof of mailing in a timely~~
585 ~~manner.~~

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

590 1. Upon determining that the report is late, the person
591 designated to review the timeliness of reports shall immediately
592 notify the lobbying firm or lobbyist as to the failure to timely
593 file the report and that a fine is being assessed for each late
594 day. The fine shall be \$50 per day per report for each late day
595 up to a maximum of \$5,000 per late report.

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

599 a. When a report is actually received by the lobbyist
600 registration and reporting office.

601 b. When the electronic receipt issued pursuant to s.
602 112.32155 is dated ~~report is postmarked.~~

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

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604 ~~d. When the receipt from an established courier company is~~
605 ~~dated.~~

606 3. Such fine shall be paid within 30 days after the notice
607 of payment due is transmitted by the Lobbyist Registration
608 Office, unless appeal is made to the commission. The moneys
609 shall be deposited into the Executive Branch Lobby Registration
610 Trust Fund.

611 4. A fine shall not be assessed against a lobbying firm or
612 lobbyist the first time any reports for which the lobbying firm
613 or lobbyist is responsible are not timely filed. However, to
614 receive the one-time fine waiver, all reports for which the
615 lobbying firm or lobbyist is responsible must be filed within 30
616 days after the notice that any reports have not been timely
617 filed is transmitted by the Lobbyist Registration Office. A fine
618 shall be assessed for any subsequent late-filed reports.

619 5. Any lobbying firm or lobbyist may appeal or dispute a
620 fine, based upon unusual circumstances surrounding the failure
621 to file on the designated due date, and may request and shall be
622 entitled to a hearing before the commission, which shall have
623 the authority to waive the fine in whole or in part for good
624 cause shown. Any such request shall be made within 30 days
625 after the notice of payment due is transmitted by the Lobbyist
626 Registration Office. In such case, the lobbying firm or
627 lobbyist shall, within the 30-day period, notify the person
628 designated to review the timeliness of reports in writing of his
629 or her intention to bring the matter before the commission.

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630 6. The person designated to review the timeliness of
631 reports shall notify the commission of the failure of a lobbying
632 firm or lobbyist to file a report after notice or of the failure
633 of a lobbying firm or lobbyist to pay the fine imposed.

634 7. Notwithstanding any provision of chapter 120, any fine
635 imposed under this subsection that is not waived by final order
636 of the commission and that remains unpaid more than 60 days
637 after the notice of payment due or more than 60 days after the
638 commission renders a final order on the lobbying firm's or
639 lobbyist's appeal shall be collected by the Department of
640 Financial Services as a claim, debt, or other obligation owed to
641 the state, and the department may assign the collection of such
642 fine to a collection agent as provided in s. 17.20.

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

646 (g)1.(h) Each lobbyist and each principal shall preserve
647 for a period of 4 years all accounts, bills, receipts, computer
648 records, books, papers, and other documents and records
649 necessary to substantiate lobbying expenditures. Any documents
650 and records retained pursuant to this section may be inspected
651 under reasonable circumstances by any authorized representative
652 of the commission. The right of inspection may be enforced in
653 circuit court ~~by appropriate writ issued by any court of~~
654 ~~competent jurisdiction.~~

655 2. Each lobbying firm and each principal shall preserve
656 for a period of 4 years all accounts, bills, receipts, computer

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657 records, books, papers, and other documents and records
658 necessary to substantiate compensation. Any documents and
659 records retained pursuant to this section may be subpoenaed for
660 audit by the Auditor General pursuant to s. 11.45 and such
661 subpoena may be enforced in circuit court.

662 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
663 other provision of law to the contrary, no lobbyist or principal
664 shall make, directly or indirectly, and no agency official,
665 member, or employee shall knowingly accept, directly or
666 indirectly, any lobbying expenditure, except for:

667 1. Food and beverages:

668 a. Consumed at a single sitting or meal;

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

671 c. Where the actual value attributable to officials,
672 members, and employees of the agency or commission is
673 determinable;

674 d. Provided that the actual gross value attributable to an
675 agency official, member, or employee from all lobbyists and
676 principals paying for the food and beverages, including any
677 value attributable pursuant to paragraph (b), does not exceed
678 \$100.

679 (b) The value of any food and beverages provided to a
680 spouse or child of an agency official, member, or employee shall
681 be attributed to such official, member, or employee.

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682 (c) No principal shall provide compensation for lobbying
683 to any individual or business entity that is not a lobbying
684 firm.

685 ~~(7)(6)~~ A lobbyist shall promptly send a written statement
686 to the commission canceling the registration for a principal
687 upon termination of the lobbyist's representation of that
688 principal. Notwithstanding this requirement, the commission may
689 remove the name of a lobbyist from the list of registered
690 lobbyists if the principal notifies the office that a person is
691 no longer authorized to represent that principal. Each lobbyist
692 is responsible for filing an expenditure report for each period
693 during any portion of which he or she was registered, and each
694 principal is responsible for seeing that an expenditure report
695 is filed for each period during any portion of which the
696 principal was represented by a registered lobbyist.

697 ~~(8)(a)(7)~~ The commission shall investigate every sworn
698 complaint that is filed with it alleging that a person covered
699 by this section has failed to register, has failed to submit a
700 compensation or an expenditure report, or has knowingly
701 submitted false information in any report or registration
702 required in this section.

703 (b) All proceedings, the complaint, and other records
704 relating to the investigation are confidential and exempt from
705 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
706 Constitution, and any meetings held pursuant to an investigation
707 are exempt from the provisions of s. 286.011(1) and s. 24(b),
708 Art. I of the State Constitution either until the alleged

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709 violator requests in writing that such investigation and
710 associated records and meetings be made public or until the
711 commission determines, based on the investigation, whether
712 probable cause exists to believe that a violation has occurred.

713 ~~(9)~~(8) If the commission finds no probable cause to
714 believe that a violation of this section occurred, it shall
715 dismiss the complaint, whereupon the complaint, together with a
716 written statement of the findings of the investigation and a
717 summary of the facts, shall become a matter of public record,
718 and the commission shall send a copy of the complaint, findings,
719 and summary to the complainant and the alleged violator. If the
720 commission finds probable cause to believe that a violation
721 occurred, it shall report the results of its investigation to
722 the Governor and Cabinet and send a copy of the report to the
723 alleged violator by certified mail. Such notification and all
724 documents made or received in the disposition of the complaint
725 shall then become public records. Upon request submitted to the
726 Governor and Cabinet in writing, any person whom the commission
727 finds probable cause to believe has violated any provision of
728 this section shall be entitled to a public hearing. Such person
729 shall be deemed to have waived the right to a public hearing if
730 the request is not received within 14 days following the mailing
731 of the probable cause notification. However, the Governor and
732 Cabinet may on its own motion require a public hearing and may
733 conduct such further investigation as it deems necessary.

734 ~~(10)~~(9) If the Governor and Cabinet finds that a violation
735 occurred, it may reprimand the violator, censure the violator,

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736 or prohibit the violator from lobbying all agencies for a period
737 not to exceed 2 years. If the violator is a lobbying firm, the
738 Governor and Cabinet may also assess a fine of not more than
739 \$5,000 to be deposited in the Executive Branch Lobby
740 Registration Trust Fund.

741 ~~(11)~~(10) Any person, when in doubt about the applicability
742 and interpretation of this section to himself or herself in a
743 particular context, may submit in writing the facts of the
744 situation to the commission with a request for an advisory
745 opinion to establish the standard of duty. An advisory opinion
746 shall be rendered by the commission and, until amended or
747 revoked, shall be binding on the conduct of the person who
748 sought the opinion, unless material facts were omitted or
749 misstated in the request.

750 ~~(12)~~(11) Agencies shall be diligent to ascertain whether
751 persons required to register pursuant to this section have
752 complied. An agency may not knowingly permit a person who is
753 not registered pursuant to this section to lobby the agency.

754 ~~(13)~~(12) Upon discovery of violations of this section an
755 agency or any person may file a sworn complaint with the
756 commission.

757 ~~(14)~~(13) The commission shall adopt rules to administer
758 this section, which shall prescribe forms for registration and
759 expenditure reports, procedures for registration, and procedures
760 that will prevent disclosure of information that is confidential
761 as provided in this section.

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762 Section 4. Section 112.32155, Florida Statutes, is created
763 to read:

764 112.32155 Electronic filing of expenditure reports.--

765 (1) As used in this section, the term "electronic filing
766 system" means an Internet system for recording and reporting
767 lobbying expenditures and other required information by
768 reporting period.

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

773 (3) A report filed pursuant to this section must be
774 completed and filed through the electronic filing system not
775 later than 11:59 p.m. of the day designated in s. 112.3215. A
776 report not filed by 11:59 p.m. of the day designated is a late-
777 filed report and is subject to the penalties under s.
778 112.3215(5).

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

787 (5) The electronic filing system must:

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

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

791 (c) Provide for direct entry of expenditure-report
792 information as well as upload of such information from software
793 authorized by the commission.

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

796 (6) The commission shall provide by rule procedures to
797 implement and administer this section, including, but not
798 limited to:

799 (a) Alternate filing procedures in case the electronic
800 filing system is not operable.

801 (b) The issuance of an electronic receipt to the person
802 submitting the report indicating and verifying the date and time
803 that the report was filed.

804 (7) The commission shall make all the data filed available
805 on the Internet in an easily understood and accessible format.
806 The Internet web site shall also include, but not be limited to,
807 the names and business addresses of lobbyists, lobbying firms,
808 and principals, affiliations between lobbyists and principals,
809 and the North American Industry Classification code and
810 corresponding index entry identified by each principal pursuant
811 to s. 112.3215(3).

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

813
814 ===== T I T L E A M E N D M E N T =====

815 Remove the entire title and insert:

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816 A bill to be entitled
817 An act relating to lobbying; amending s. 11.045, F.S.,
818 relating to the requirements that legislative lobbyists
819 register and report as required by legislative rule;
820 defining the term "lobbying firm"; amending definitions
821 for the terms "lobbying" and "principal"; requiring each
822 principal upon the registration of the principal's
823 designated lobbyist to identify the principal's main
824 business; requiring each lobbying firm and principal to
825 maintain certain records and documents for a specified
826 period; specifying judicial jurisdiction for enforcing the
827 right to inspect certain documents and records;
828 conditionally prohibiting convicted felons from
829 registering as a legislative lobbyist; modifying the
830 aggregate reporting categories on lobbying expenditure
831 reporting forms; requiring lobbying expenditure reporting
832 forms to include the name and address of each person to
833 whom an expenditure for food and beverages was made, date
834 of the expenditure, and the name and title of the
835 legislator or employee for whom the expenditure was made;
836 requiring each lobbyist to report the general areas of the
837 principal's legislative interest and specific issues
838 lobbied; requiring certain lobbying firms to report the
839 name and address of the principal originating lobbying
840 work; prohibiting lobbying expenditures, except for
841 certain food and beverages and novelty items; prohibiting
842 principals from providing lobbying compensation to any

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843 individual or business entity other than a lobbying firm;
844 providing for the Legislature to adopt rules to maintain
845 and make publicly available all advisory opinions and
846 reports relating to lobbying firms, to conform; providing
847 for the Legislature to adopt rules authorizing legislative
848 committees to investigate certain person and entities
849 engaged in legislative lobbying; requiring compensation
850 and expenditure reports to be filed electronically;
851 creating s. 11.0455, F.S.; defining the term "electronic
852 filing system"; providing requirements for lobbyists and
853 lobbying firms filing reports with the Division of
854 Legislative Information Services by means of the
855 division's electronic filing system; providing that such
856 reports are considered to be certified as accurate and
857 complete; providing requirements for the electronic filing
858 system; providing for the Legislature to adopt rules to
859 administer the electronic filing system; requiring
860 alternate filing procedures; requiring the issuance of
861 electronic receipts; requiring that the division provide
862 for public access to certain data; amending s. 112.3215,
863 F.S., relating to the requirements that executive branch
864 and Constitution Revision Commission lobbyists register
865 and report as required; defining the term "lobbying firm";
866 amending definitions for the terms "lobbies" and
867 "principal"; conditionally prohibiting convicted felons
868 from registering as an executive branch lobbyist;
869 requiring each principal upon the registration of the

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870 principal's designated lobbyist to identify the
871 principal's main business; modifying the aggregate
872 reporting categories on lobbying expenditure reporting
873 forms; requiring lobbying expenditure reporting forms to
874 include the name and address of each person to whom an
875 expenditure for food and beverages was made, date of the
876 expenditure, and the name and title of the agency
877 official, member, or employee for whom the expenditure was
878 made; requiring each lobbyist to report the general areas
879 of the principal's lobbying interest and specific issues
880 lobbied; requiring certain lobbying firms to report the
881 name and address of the principal originating lobbying
882 work; requiring each lobbying firm and principal to
883 maintain certain records and documents for a specified
884 period; specifying judicial jurisdiction for enforcing the
885 right of inspection; prohibiting lobbying expenditures,
886 except for certain food and beverages and novelty items;
887 requiring expenditure reports to be filed electronically;
888 creating s. 112.32155, F.S.; defining the term "electronic
889 filing system"; providing requirements for lobbyists and
890 lobbying firms filing reports with the Florida Commission
891 on Ethics by means of the electronic filing system;
892 providing that such reports are considered to be certified
893 as accurate and complete; providing requirements for the
894 electronic filing system; providing for the commission to
895 adopt rules to administer the electronic filing system;
896 requiring alternate filing procedures; requiring the

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897 issuance of electronic receipts; requiring that the
898 commission provide for public access to certain data;
899 providing an effective date.

900

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

903 WHEREAS, it is a fundamental right for people to redress
904 their government for grievances, and,

905 WHEREAS, in many cases, lobbyists assist people in the
906 exercise of this fundamental right, and,

907 WHEREAS, lobbyists can add value to the system by
908 introducing informed perspectives and alternative points of
909 view, and,

910 WHEREAS, despite the value added by such lobbyists, the
911 public's confidence has been shaken by a perceived culture of
912 improper influence promulgated in Tallahassee and elsewhere in
913 the State by lobbyists representing powerful special interests,
914 and,

915 WHEREAS, that public perception is grounded in lobbyist
916 advocacy that is cloaked in secrecy and conducted out of the
917 sunshine, and,

918 WHEREAS, Floridians have a right to know what the
919 Legislature and executive agencies are doing and with whom, so
920 that they can gauge the influence and the role of special
921 interests in the development and implementation of public
922 policy, and,

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HOUSE AMENDMENT

Bill No. CS/SB 2646

Amendment No. (for drafter's use only)

923 WHEREAS, the Florida Legislature believes that fuller,
924 fairer, and more open disclosure will help restore the public
925 trust in government,

926 WHEREAS, the Florida Legislature has fashioned a narrowly-
927 tailored system for furthering the State's compelling
928 governmental interest in regulating lobbying before the Florida
929 Legislature and administrative agencies, employing the least
930 intrusive means available, NOW, THEREFORE,

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