

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Reagan 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) "Compensation" means a payment, distribution, loan,
15 advance, reimbursement, deposit, salary, fee, retainer, or

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

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

20 (d)(e) "Expenditure" means a payment, distribution, loan,
21 advance, reimbursement, deposit, or anything of value made by a
22 lobbyist or principal for the purpose of lobbying. A
23 contribution made to a political party regulated under chapter
24 103 is not deemed an expenditure for purposes of this section.

25 (e)(d) "Legislative action" means introduction,
26 sponsorship, testimony, debate, voting, or any other official
27 action on any measure, resolution, amendment, nomination,
28 appointment, or report of, or any matter which may be the
29 subject of action by, either house of the Legislature or any
30 committee thereof.

31 (f)(e) "Lobbying" means influencing or attempting to
32 influence legislative action or nonaction through oral or
33 written communication or an attempt to obtain the goodwill of a
34 member or employee of the Legislature. Food and beverages paid
35 for or provided, directly or indirectly, by a lobbyist or
36 principal to, or for the benefit of, a member or employee of the
37 Legislature is deemed an attempt to obtain the goodwill of the
38 member or employee unless the lobbyist or principal is the
39 member's or employee's parent, spouse, child, or sibling.

40 (g) "Lobbying firm" means any business entity, including
41 an individual contract lobbyist, that receives or becomes
42 entitled to receive any compensation for the purpose of

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43 lobbying, where any partner, owner, officer, or employee of the
44 business entity is a lobbyist.

45 (h)(f) "Lobbyist" means a person who is employed and
46 receives payment, or who contracts for economic consideration,
47 for the purpose of lobbying, or a person who is principally
48 employed for governmental affairs by another person or
49 governmental entity to lobby on behalf of that other person or
50 governmental entity.

51 (i)(g) "Principal" means the person, firm, corporation, or
52 other entity which has employed or retained a lobbyist,
53 including a lobbying firm that subcontracts work.

54 (2) Each house of the Legislature shall provide by rule,
55 or may provide by a joint rule adopted by both houses, for the
56 registration of lobbyists who lobby the Legislature. The rule
57 may provide for the payment of a registration fee. The rule may
58 provide for exemptions from registration or registration fees.
59 The rule shall provide that:

60 (a) Registration is required for each principal
61 represented.

62 (b) Registration shall include a statement signed by the
63 principal or principal's representative that the registrant is
64 authorized to represent the principal.

65 (c) A registrant shall promptly send a written statement
66 to the division canceling the registration for a principal upon
67 termination of the lobbyist's representation of that principal.
68 Notwithstanding this requirement, the division may remove the
69 name of a registrant from the list of registered lobbyists if

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70 the principal notifies the office that a person is no longer
71 authorized to represent that principal.

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

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

84 2. Each lobbying firm and each principal shall preserve
85 for a period of 4 years all accounts, bills, receipts, computer
86 records, books, papers, and other documents and records
87 necessary to substantiate compensation.

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

93 (a) Statements shall be filed by all registered lobbyists
94 two times per year, which must disclose all lobbying
95 expenditures by the lobbyist and the principal and the source of
96 funds for such expenditures. All expenditures made by the

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97 lobbyist and the principal for the purpose of lobbying must be
98 reported. Reporting of expenditures shall be made on an accrual
99 basis. The report of such expenditures must identify whether the
100 expenditure was made directly by the lobbyist, directly by the
101 principal, initiated or expended by the lobbyist and paid for by
102 the principal, or initiated or expended by the principal and
103 paid for by the lobbyist. The principal is responsible for the
104 accuracy of the expenditures reported as lobbying expenditures
105 made by the principal. The lobbyist is responsible for the
106 accuracy of the expenditures reported as lobbying expenditures
107 made by the lobbyist. Expenditures made must be reported in the
108 aggregate in either the category "food and beverages" or
109 "novelty items." ~~by the category of the expenditure, including,~~
110 ~~but not limited to, the categories of food and beverages,~~
111 ~~entertainment, research, communication, media advertising,~~
112 ~~publications, travel, and lodging.~~ Lobbying expenditures do not
113 include a lobbyist's or principal's salary, office expenses, and
114 personal expenses for lodging, meals, and travel.

115 (b) If a principal is represented by two or more
116 lobbyists, the first lobbyist who registers to represent that
117 principal shall be the designated lobbyist. The designated
118 lobbyist's expenditure report shall include all lobbying
119 expenditures made directly by the principal and those
120 expenditures of the designated lobbyist on behalf of that
121 principal as required by paragraph (a). All other lobbyists
122 registered to represent that principal shall file a report
123 pursuant to paragraph (a). The report of lobbying expenditures

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124 by the principal shall be made pursuant to the requirements of
125 paragraph (a). The principal is responsible for the accuracy of
126 figures reported by the designated lobbyist as lobbying
127 expenditures made directly by the principal. The designated
128 lobbyist is responsible for the accuracy of the figures reported
129 as lobbying expenditures made by that lobbyist. Each lobbyist
130 shall file an expenditure report for each period during any
131 portion of which he or she was registered, and each principal
132 shall ensure that an expenditure report is filed for each period
133 during any portion of which the principal was represented by a
134 registered lobbyist.

135 (c)1. Each lobbyist, including a designated lobbyist,
136 shall identify on the expenditure report all general areas of
137 the principal's legislative interest that were lobbied during
138 the reporting period.

139 2. For each general area of legislative interest
140 designated, the lobbyist shall provide a detailed written
141 description of all specific issues lobbied within the general
142 area.

143 (d)1. Each lobbying firm shall file a compensation
144 statement with the division for each reporting period during any
145 portion of which one or more of the firm's lobbyists were
146 registered to represent a principal. The report shall include
147 the:

148 a. Full name, business address, and telephone number of
149 the lobbying firm; and

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

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

153 a. Full name, business address, and telephone number of
154 the principal;

155 b. Total compensation for lobbying in this state provided
156 or owed to the lobbying firm for the reporting period, reported
157 in one of the following categories: \$0; less than \$25,000;
158 \$25,001 to \$50,000; 50,001 to \$75,000; \$75,001 to \$100,000;
159 \$100,001 to \$125,000; \$125,001 to \$150,000; \$150,001 or more. If
160 the category "\$150,001 or more" is selected, the specific dollar
161 amount of compensation must be reported, rounded up or down to
162 the nearest \$1,000; and

163 c. If the lobbying firm is reporting compensation
164 resulting from a subcontracting agreement with another lobbying
165 firm, the full name and business address of the principal
166 originating the lobbying work.

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

170 (e)-(e) For each reporting period the division shall
171 aggregate the expenditures reported by all of the lobbyists for
172 a principal represented by more than one lobbyist. Further, the
173 division shall aggregate figures that provide a cumulative total
174 of expenditures reported as spent by and on behalf of each
175 principal for the calendar year. For each principal represented
176 by more than one lobbying firm, the division shall also

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177 aggregate the reporting-period compensation reported as provided
178 or owed by the principal.

179 (f)(d) The compensation and expenditure reporting
180 statements shall be filed no later than 45 days after the end of
181 each ~~the~~ reporting period. The first report shall include the
182 compensation and expenditures for the period from January 1
183 through June 30. The second report shall disclose expenditures
184 for the period from July 1 through December 31. The statements
185 shall be rendered in the identical form provided by the
186 respective houses and shall be open to public inspection.
187 Reporting statements may be filed by electronic means, when
188 feasible.

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

198 (g)(f) Each house of the Legislature shall provide by
199 rule, or both houses may provide by joint rule, a procedure by
200 which a lobbying firm or lobbyist who fails to timely file a
201 report shall be notified and assessed fines. The rule shall
202 provide for the following:

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203 1. Upon determining that the report is late, the person
204 designated to review the timeliness of reports shall immediately
205 notify the lobbying firm or lobbyist as to the failure to timely
206 file the report and that a fine is being assessed for each late
207 day. The fine shall be \$50 per day per report for each late day,
208 not to exceed \$5,000 per report.

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

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

214 b. When the report is postmarked.

215 c. When the certificate of mailing is dated.

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

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

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

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229 transmitted by the Lobbyist Registration Office. A fine shall be
230 assessed for any subsequent late-filed reports.

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

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

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256 Representatives. The President of the Senate and the Speaker of
257 the House of Representatives may grant or deny the request.

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

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

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

275 1. Food and beverages:

276 a. Consumed at a single sitting or meal;

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

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

281 d. Provided that the actual gross value attributable to a
282 member or employee of the Legislature from all lobbyists and

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283 principals paying for the food and beverages, including any
284 value attributable pursuant to paragraph (b), does not exceed
285 \$100.

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

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

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

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

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

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

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

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

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

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335 Speaker of the House of Representatives shall cause the
336 committee report and recommendations to be brought before the
337 respective house and a final determination shall be made by a
338 majority of said house.

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

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

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

363 11.0455 Electronic filing of compensation and expenditure
364 reports.--

365 (1) As used in this section, the term "electronic filing
366 system" means an Internet system for recording and reporting
367 lobbying compensation, expenditures, and other required
368 information by reporting period.

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

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

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

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388 (5) The electronic filing system developed by the division
389 must:

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

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

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

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

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

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

404 (b) The issuance of an electronic receipt to the person
405 submitting the report indicating and verifying the date and time
406 that the report was filed.

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

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

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

418 (1) For the purposes of this section:

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

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

428 **(c)**~~(b)~~ "Expenditure" means a payment, distribution, loan,
429 advance, reimbursement, deposit, or anything of value made by a
430 lobbyist or principal for the purpose of lobbying. A
431 contribution made to a political party regulated under chapter
432 103 is not deemed an expenditure for purposes of this section.

433 **(d)**~~(e)~~ "Fund" means the Executive Branch Lobby
434 Registration Trust Fund.

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

439 "Lobbies" also means influencing or attempting to influence, on
440 behalf of another, the Constitution Revision Commission's action
441 or nonaction through oral or written communication or an attempt

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442 to obtain the goodwill of a member or employee of the
443 Constitution Revision Commission.

444 2. Food and beverages paid for or provided, directly or
445 indirectly, by a lobbyist or principal to, or for the benefit
446 of, an agency official or employee or a member or employee of
447 the Constitution Revision Commission is deemed an attempt to
448 obtain such person's goodwill unless the lobbyist or principal
449 is the person's parent, spouse, child, or sibling.

450 (f) "Lobbying firm" means a business entity, including an
451 individual contract lobbyist, that receives or becomes entitled
452 to receive any compensation for the purpose of lobbying, where
453 any partner, owner, officer, or employee of the business entity
454 is a lobbyist.

455 (g)(e) "Lobbyist" means a person who is employed and
456 receives payment, or who contracts for economic consideration,
457 for the purpose of lobbying, or a person who is principally
458 employed for governmental affairs by another person or
459 governmental entity to lobby on behalf of that other person or
460 governmental entity. "Lobbyist" does not include a person who
461 is:

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

466 2. An employee of an agency or of a legislative or
467 judicial branch entity acting in the normal course of his or her
468 duties.

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469 3. A confidential informant who is providing, or wishes to
470 provide, confidential information to be used for law enforcement
471 purposes.

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

475 ~~(h)(f)~~ "Principal" means the person, firm, corporation, or
476 other entity which has employed or retained a lobbyist,
477 including a lobbying firm that subcontracts work.

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

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

494 (a) Name and business address;

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

497 (c) His or her area of interest;

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

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

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

506 (5)(a) A registered lobbyist must also submit to the
507 commission, biannually, a signed expenditure report summarizing
508 all lobbying expenditures by the lobbyist and the principal for
509 each 6-month period during any portion of which the lobbyist is
510 registered. All expenditures made by the lobbyist and the
511 principal for the purpose of lobbying must be reported.
512 Reporting of expenditures shall be on an accrual basis. The
513 report of such expenditures must identify whether the
514 expenditure was made directly by the lobbyist, directly by the
515 principal, initiated or expended by the lobbyist and paid for by
516 the principal, or initiated or expended by the principal and
517 paid for by the lobbyist. The principal is responsible for the
518 accuracy of the expenditures reported as lobbying expenditures
519 made by the principal. The lobbyist is responsible for the
520 accuracy of the expenditures reported as lobbying expenditures
521 made by the lobbyist. Expenditures made must be reported in the

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522 aggregate in either the category "food and beverages" or
523 "novelty items." ~~by the category of the expenditure, including,~~
524 ~~but not limited to, the categories of food and beverages,~~
525 ~~entertainment, research, communication, media advertising,~~
526 ~~publications, travel, and lodging.~~ Lobby expenditures do not
527 include a lobbyist's or principal's salary, office expenses, and
528 personal expenses for lodging, meals, and travel.

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

542 (c)1. Each lobbyist, including a designated lobbyist,
543 shall identify on the expenditure report all general areas of
544 the principal's lobbying interest that were lobbied during the
545 reporting period.

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

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Amendment No. (for drafter's use only)

549 (d)1. Each lobbying firm shall file a compensation
550 statement with the commission for each reporting period during
551 any portion of which one or more of the firm's lobbyists were
552 registered to represent a principal. The report shall include
553 the:

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

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

557 2. For each principal represented by one or more of the
558 firm's lobbyists, the compensation report shall also include
559 the:

560 a. Full name, business address, and telephone number of
561 the principal;

562 b. Total compensation for lobbying in this state provided
563 or owed to the lobbying firm for the reporting period, reported
564 in one of the following categories: \$0; less than \$25,000;
565 \$25,001 to \$50,000; 50,001 to \$75,000; \$75,001 to \$100,000;
566 \$100,001 to \$125,000; \$125,001 to \$150,000; \$150,001 or more.

567 If the category "\$150,001 or more" is selected, the specific
568 dollar amount of compensation must be reported, rounded up or
569 down to the nearest \$1,000; and

570 c. If the lobbying firm is reporting compensation
571 resulting from a subcontracting agreement with another lobbying
572 firm, the full name and business address of the principal
573 originating the lobbying work.

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

577 ~~(e)~~ For each reporting period the commission shall
578 aggregate the expenditures of all lobbyists for a principal
579 represented by more than one lobbyist. Further, the commission
580 shall aggregate figures that provide a cumulative total of
581 expenditures reported as spent by and on behalf of each
582 principal for the calendar year. For each principal represented
583 by more than one lobbying firm, the commission shall also
584 aggregate the reporting-period compensation reported as provided
585 or owed by the principal.

586 ~~(f)~~ The compensation and expenditure reporting
587 statements shall be filed no later than 45 days after the end of
588 each reporting period. ~~and shall include the expenditures for~~
589 ~~the period~~ The first report shall include the compensation and
590 expenditures for the period from January 1 through June 30, and
591 July 1 through December 31, respectively.

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

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Amendment No. (for drafter's use only)

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

605 1. Upon determining that the report is late, the person
606 designated to review the timeliness of reports shall immediately
607 notify the lobbying firm or lobbyist as to the failure to timely
608 file the report and that a fine is being assessed for each late
609 day. The fine shall be \$50 per day per report for each late day
610 up to a maximum of \$5,000 per late report.

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

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

616 b. When the report is postmarked.

617 c. When the certificate of mailing is dated.

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

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

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

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

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

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

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

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

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

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

669 2. Each lobbying firm and each principal shall preserve
670 for a period of 4 years all accounts, bills, receipts, computer
671 records, books, papers, and other documents and records
672 necessary to substantiate compensation.

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

- 678 1. Food and beverages:
679 a. Consumed at a single sitting or meal;
680 b. Paid for solely by lobbyists or principals who are
681 present for the duration of the sitting or meal;

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682 c. Where the actual value attributable to officials,
683 members, and employees of the agency or commission is
684 determinable;

685 d. Provided that the actual gross value attributable to an
686 agency official, member, or employee from all lobbyists and
687 principals paying for the food and beverages, including any
688 value attributable pursuant to paragraph (b), does not exceed
689 \$100.

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

693 (c) No principal shall provide compensation for lobbying
694 to any individual or business entity that is not a lobbying
695 firm.

696 (7)+(6) A lobbyist shall promptly send a written statement
697 to the commission canceling the registration for a principal
698 upon termination of the lobbyist's representation of that
699 principal. Notwithstanding this requirement, the commission may
700 remove the name of a lobbyist from the list of registered
701 lobbyists if the principal notifies the office that a person is
702 no longer authorized to represent that principal. Each lobbyist
703 is responsible for filing an expenditure report for each period
704 during any portion of which he or she was registered, and each
705 principal is responsible for seeing that an expenditure report
706 is filed for each period during any portion of which the
707 principal was represented by a registered lobbyist.

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

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

724 (9)~~(8)~~ If the commission finds no probable cause to
725 believe that a violation of this section occurred, it shall
726 dismiss the complaint, whereupon the complaint, together with a
727 written statement of the findings of the investigation and a
728 summary of the facts, shall become a matter of public record,
729 and the commission shall send a copy of the complaint, findings,
730 and summary to the complainant and the alleged violator. If the
731 commission finds probable cause to believe that a violation
732 occurred, it shall report the results of its investigation to
733 the Governor and Cabinet and send a copy of the report to the
734 alleged violator by certified mail. Such notification and all

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

745 ~~(10)(9)~~ If the Governor and Cabinet finds that a violation
746 occurred, it may reprimand the violator, censure the violator,
747 or prohibit the violator from lobbying all agencies for a period
748 not to exceed 2 years. If the violator is a lobbying firm, the
749 Governor and Cabinet may also assess a fine of not more than
750 \$5,000 to be deposited in the Executive Branch Lobby
751 Registration Trust Fund.

752 ~~(11)(10)~~ Any person, when in doubt about the applicability
753 and interpretation of this section to himself or herself in a
754 particular context, may submit in writing the facts of the
755 situation to the commission with a request for an advisory
756 opinion to establish the standard of duty. An advisory opinion
757 shall be rendered by the commission and, until amended or
758 revoked, shall be binding on the conduct of the person who
759 sought the opinion, unless material facts were omitted or
760 misstated in the request.

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761 ~~(11)~~ (12) Agencies shall be diligent to ascertain whether
762 persons required to register pursuant to this section have
763 complied. An agency may not knowingly permit a person who is
764 not registered pursuant to this section to lobby the agency.

765 ~~(12)~~ (13) Upon discovery of violations of this section an
766 agency or any person may file a sworn complaint with the
767 commission.

768 ~~(13)~~ (14) The commission shall adopt rules to administer
769 this section, which shall prescribe forms for registration,
770 compensation, and expenditure reports, procedures for
771 registration, and procedures that will prevent disclosure of
772 information that is confidential as provided in this section.

773 Section 4. Effective August 1, 2006, subsection (5) of
774 section 112.3215, Florida Statutes, as amended by this act, is
775 amended to read:

776 112.3215 Lobbying before the executive branch or the
777 Constitution Revision Commission; registration and reporting;
778 investigation by commission.--

779 (5)(a) A registered lobbyist must also submit to the
780 commission, quarterly, a signed expenditure report summarizing
781 all lobbying expenditures by the lobbyist and the principal for
782 each 3-month period during any portion of which the lobbyist is
783 registered. All expenditures made by the lobbyist and the
784 principal for the purpose of lobbying must be reported.
785 Reporting of expenditures shall be on an accrual basis. The
786 report of such expenditures must identify whether the
787 expenditure was made directly by the lobbyist, directly by the

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788 principal, initiated or expended by the lobbyist and paid for by
789 the principal, or initiated or expended by the principal and
790 paid for by the lobbyist. The principal is responsible for the
791 accuracy of the expenditures reported as lobbying expenditures
792 made by the principal. The lobbyist is responsible for the
793 accuracy of the expenditures reported as lobbying expenditures
794 made by the lobbyist. Expenditures made must be reported in the
795 aggregate in either the category "food and beverages" or
796 "novelty items." Lobby expenditures do not include a lobbyist's
797 or principal's salary, office expenses, and personal expenses
798 for lodging, meals, and travel.

799 (b) A principal who is represented by two or more
800 lobbyists shall designate one lobbyist whose expenditure report
801 shall include all lobbying expenditures made directly by the
802 principal and those expenditures of the designated lobbyist on
803 behalf of that principal as required by paragraph (a). All other
804 lobbyists registered to represent that principal shall file a
805 report pursuant to paragraph (a). The report of lobbying
806 expenditures by the principal shall be made pursuant to the
807 requirements of paragraph (a). The principal is responsible for
808 the accuracy of figures reported by the designated lobbyist as
809 lobbying expenditures made directly by the principal. The
810 designated lobbyist is responsible for the accuracy of the
811 figures reported as lobbying expenditures made by that lobbyist.

812 (c)1. Each lobbyist, including a designated lobbyist,
813 shall identify on the expenditure report all general areas of

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814 the principal's lobbying interest that were lobbied during the
815 reporting period.

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

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

824 a. Full name, business address, and telephone number of
825 the lobbying firm; and

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

827 2. For each principal represented by one or more of the
828 firm's lobbyists, the compensation report shall also include
829 the:

830 a. Full name, business address, and telephone number of
831 the principal;

832 b. Total compensation for lobbying in this state provided
833 or owed to the lobbying firm for the reporting period, reported
834 in one of the following categories: \$0; less than \$25,000;
835 \$25,001 to \$50,000; 50,001 to \$75,000; \$75,001 to \$100,000;
836 \$100,001 to \$125,000; \$125,001 to \$150,000; \$150,001 or more. If
837 the category "\$150,001 or more" is selected, the specific dollar
838 amount of compensation must be reported, rounded up or down to
839 the nearest \$1,000; and

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840 c. If the lobbying firm is reporting compensation
841 resulting from a subcontracting agreement with another lobbying
842 firm, the full name and business address of the principal
843 originating the lobbying work.

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

847 (e) For each reporting period the commission shall
848 aggregate the expenditures of all lobbyists for a principal
849 represented by more than one lobbyist. Further, the commission
850 shall aggregate figures that provide a cumulative total of
851 expenditures reported as spent by and on behalf of each
852 principal for the calendar year. For each principal represented
853 by more than one lobbying firm, the division shall also
854 aggregate the reporting-period compensation reported as provided
855 or owed by the principal.

856 (f) The compensation and expenditure reporting statements
857 shall be filed no later than 45 days after the end of each
858 reporting period. The first report shall include the
859 compensation and expenditures for the period from January 1
860 through June 30, and July 1 through December 31, respectively.
861 Reporting statements must be filed by electronic means as
862 provided in s. 112.32155.

863 ~~(g) Reports shall be filed not later than 5 p.m. of the~~
864 ~~report due date. However, any report that is postmarked by the~~
865 ~~United States Postal Service no later than midnight of the due~~
866 ~~date shall be deemed to have been filed in a timely manner, and~~

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867 | ~~a certificate of mailing obtained from and dated by the United~~
868 | ~~States Postal Service at the time of the mailing, or a receipt~~
869 | ~~from an established courier company which bears a date on or~~
870 | ~~before the due date, shall be proof of mailing in a timely~~
871 | ~~manner.~~

872 | (g)~~(h)~~ The commission shall provide by rule a procedure by
873 | which a lobbying firm or lobbyist who fails to timely file a
874 | report shall be notified and assessed fines. The rule shall
875 | provide for the following:

876 | 1. Upon determining that the report is late, the person
877 | designated to review the timeliness of reports shall immediately
878 | notify the lobbying firm or lobbyist as to the failure to timely
879 | file the report and that a fine is being assessed for each late
880 | day. The fine shall be \$50 per day per report for each late day
881 | up to a maximum of \$5,000 per late report.

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

885 | a. When a report is actually received by the lobbyist
886 | registration and reporting office.

887 | b. When the electronic receipt issued pursuant to s.
888 | 112.32155 is dated. ~~When the report is postmarked.~~

889 | ~~e. When the certificate of mailing is dated.~~

890 | ~~d. When the receipt from an established courier company is~~
891 | ~~dated.~~

892 | 3. Such fine shall be paid within 30 days after the notice
893 | of payment due is transmitted by the Lobbyist Registration

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894 Office, unless appeal is made to the commission. The moneys
895 shall be deposited into the Executive Branch Lobby Registration
896 Trust Fund.

897 4. A fine shall not be assessed against a lobbying firm or
898 lobbyist the first time any reports for which the lobbying firm
899 or lobbyist is responsible are not timely filed. However, to
900 receive the one-time fine waiver, all reports for which the
901 lobbying firm or lobbyist is responsible must be filed within 30
902 days after the notice that any reports have not been timely
903 filed is transmitted by the Lobbyist Registration Office. A fine
904 shall be assessed for any subsequent late-filed reports.

905 5. Any lobbying firm or lobbyist may appeal or dispute a
906 fine, based upon unusual circumstances surrounding the failure
907 to file on the designated due date, and may request and shall be
908 entitled to a hearing before the commission, which shall have
909 the authority to waive the fine in whole or in part for good
910 cause shown. Any such request shall be made within 30 days
911 after the notice of payment due is transmitted by the Lobbyist
912 Registration Office. In such case, the lobbying firm or
913 lobbyist shall, within the 30-day period, notify the person
914 designated to review the timeliness of reports in writing of his
915 or her intention to bring the matter before the commission.

916 6. The person designated to review the timeliness of
917 reports shall notify the commission of the failure of a lobbying
918 firm or lobbyist to file a report after notice or of the failure
919 of a lobbying firm or lobbyist to pay the fine imposed.

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920 7. Notwithstanding any provision of chapter 120, any fine
921 imposed under this subsection that is not waived by final order
922 of the commission and that remains unpaid more than 60 days
923 after the notice of payment due or more than 60 days after the
924 commission renders a final order on the lobbying firm's or
925 lobbyist's appeal shall be collected by the Department of
926 Financial Services as a claim, debt, or other obligation owed to
927 the state, and the department may assign the collection of such
928 fine to a collection agent as provided in s. 17.20.

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

932 (h)(j)1. Each lobbyist and each principal shall preserve
933 for a period of 4 years all accounts, bills, receipts, computer
934 records, books, papers, and other documents and records
935 necessary to substantiate lobbying expenditures. Any documents
936 and records retained pursuant to this section may be inspected
937 under reasonable circumstances by any authorized representative
938 of the commission. The right of inspection may be enforced in
939 circuit court.

940 2. Each lobbying firm and each principal shall preserve
941 for a period of 4 years all accounts, bills, receipts, computer
942 records, books, papers, and other documents and records
943 necessary to substantiate compensation.

944 Section 5. Effective August 1, 2006, section 112.32155,
945 Florida Statutes, is created to read:

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Amendment No. (for drafter's use only)

946 112.32155 Electronic filing of compensation and
947 expenditure reports.--

948 (1) As used in this section, the term "electronic filing
949 system" means an Internet system for recording and reporting
950 lobbying compensation, expenditures, and other required
951 information by reporting period.

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

956 (3) A report filed pursuant to this section must be
957 completed and filed through the electronic filing system not
958 later than 11:59 p.m. of the day designated in s. 112.3215. A
959 report not filed by 11:59 p.m. of the day designated is a late-
960 filed report and is subject to the penalties under s.
961 112.3215(5).

962 (4) Each report filed pursuant to this section is
963 considered to be certified to the best of the filer's knowledge
964 as accurate and complete by the lobbyist, the lobbying firm, or
965 the designated lobbyist and principal, whichever is applicable.
966 Persons given a secure sign-on to the electronic filing system
967 are responsible for protecting it from disclosure and are
968 responsible for all filings using such credentials, unless they
969 have notified the division that their credentials have been
970 compromised.

971 (5) The electronic filing system must:

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

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

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

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

980 (6) The commission shall provide by rule procedures to
981 implement and administer this section, including, but not
982 limited to:

983 (a) Alternate filing procedures in case the electronic
984 filing system is not operable.

985 (b) The issuance of an electronic receipt to the person
986 submitting the report indicating and verifying the date and time
987 that the report was filed.

988 (7) The commission shall make all the data filed available
989 on the Internet in an easily understood and accessible format.
990 The Internet web site shall also include, but not be limited to,
991 the names and business addresses of lobbyists, lobbying firms,
992 and principals, affiliations between lobbyists and principals.

993 Section 6. The first compensation and expenditure reports
994 subject to the amended reporting requirements in this act must
995 be filed by August 14, 2006 and encompass the reporting period
996 from January 1, 2006, through June 30, 2006.

997 Section 7. Except as otherwise provided, this act shall
998 take effect January 1, 2006.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying", "expenditure", and "principal"; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file compensation reports for each reporting period; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; removing a provision relating to timely filed reports; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-

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HOUSE AMENDMENT

Bill No. CS/SB 2646

Amendment No. (for drafter's use only)

1027 reporting violations; providing exceptions; prohibiting
1028 lobbying expenditures, except for certain food and
1029 beverages and novelty items; prohibiting principals from
1030 providing lobbying compensation to any individual or
1031 business entity other than a lobbying firm; providing for
1032 the Legislature to adopt rules to maintain and make
1033 publicly available all advisory opinions and reports
1034 relating to lobbying firms, to conform; providing for the
1035 Legislature to adopt rules authorizing legislative
1036 committees to investigate certain persons and entities
1037 engaged in legislative lobbying; creating s. 11.0455,
1038 F.S.; defining the term "electronic filing system";
1039 providing requirements for lobbyists and lobbying firms
1040 filing reports with the Division of Legislative
1041 Information Services by means of the division's electronic
1042 filing system; providing that such reports are considered
1043 to be certified as accurate and complete; providing
1044 requirements for the electronic filing system; providing
1045 for the Legislature to adopt rules to administer the
1046 electronic filing system; requiring alternate filing
1047 procedures; requiring the issuance of electronic receipts;
1048 requiring that the division provide for public access to
1049 certain data; amending s. 112.3215, F.S., relating to the
1050 requirements that executive branch and Constitution
1051 Revision Commission lobbyists register and report as
1052 required; defining the terms "compensation" and "lobbying
1053 firm"; amending definitions for the terms "expenditure",

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1054 "lobbies", and "principal"; modifying the aggregate
1055 reporting categories on lobbying expenditure reporting
1056 forms; requiring each lobbyist to report the general areas
1057 of the principal's lobbying interest and specific issues
1058 lobbied; requiring each lobbying firm to file compensation
1059 reports for each reporting period; requiring certain
1060 lobbying firms to report the name and address of the
1061 principal originating lobbying work; providing for
1062 certification of compensation reports; requiring the
1063 Florida Commission on Ethics to aggregate certain
1064 compensation information; authorizing the commission to
1065 adopt procedural rules for determining late-filing fines
1066 for compensation reports; prescribing fines and penalties
1067 for compensation-reporting violations; providing
1068 exceptions; requiring each lobbying firm and principal to
1069 maintain certain records and documents for a specified
1070 period; specifying judicial jurisdiction for enforcing the
1071 right of inspection; prohibiting lobbying expenditures,
1072 except for certain food and beverages and novelty items;
1073 prohibiting principals from providing lobbying
1074 compensation to any individual or business entity other
1075 than a lobbying firm; providing penalties; providing for
1076 public access to certain records; authorizing the
1077 commission to adopt administration rules and forms
1078 relating to compensation reporting; requiring compensation
1079 and expenditure reports to be filed electronically;
1080 creating s. 112.32155, F.S.; defining the term "electronic

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1081 filing system"; providing requirements for lobbyists and
1082 lobbying firms filing reports with the Florida Commission
1083 on Ethics by means of the electronic filing system;
1084 providing that such reports are considered to be certified
1085 as accurate and complete; providing requirements for the
1086 electronic filing system; providing for the commission to
1087 adopt rules to administer the electronic filing system;
1088 requiring alternate filing procedures; requiring the
1089 issuance of electronic receipts; requiring that the
1090 commission provide for public access to certain data;
1091 specifying the initial reporting period that is subject to
1092 the requirements of the act; providing effective dates.

1093

1094 WHEREAS, restoring the public's trust in government is a
1095 top priority of the Florida Legislature, and

1096 WHEREAS, it is a fundamental right for people to redress
1097 their government for grievances, and

1098 WHEREAS, in many cases, lobbyists assist people in the
1099 exercise of this fundamental right, and

1100 WHEREAS, lobbyists can add value to the system by
1101 introducing informed perspectives and alternative points of
1102 view, and

1103 WHEREAS, despite the value added by such lobbyists, the
1104 public's confidence has been shaken by a perceived culture of
1105 improper influence promulgated in Tallahassee and elsewhere in
1106 the State by lobbyists representing powerful special interests,
1107 and

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1108 WHEREAS, that public perception is grounded in lobbyist
1109 advocacy that is cloaked in secrecy and conducted out of the
1110 sunshine, and

1111 WHEREAS, Floridians have a right to know what the
1112 Legislature and executive agencies are doing and with whom, so
1113 that they can gauge the influence and the role of special
1114 interests in the development and implementation of public
1115 policy, and

1116 WHEREAS, the Florida Legislature believes that fuller,
1117 fairer, and more open disclosure will help restore the public
1118 trust in government, and

1119 WHEREAS, the Florida Legislature has fashioned a narrowly-
1120 tailored system for furthering the State's compelling
1121 governmental interest in regulating lobbying before the Florida
1122 Legislature and administrative agencies, employing the least
1123 intrusive means available, NOW, THEREFORE,

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