

By Senator Sebesta

16-1402A-05

1                                   A bill to be entitled  
2           An act relating to legislative lobbying;  
3           amending s. 11.045, F.S., relating to the  
4           requirements that lobbyists register and report  
5           as required by legislative rule; defining the  
6           term "compensation"; requiring each registrant  
7           who is a designated lobbyist to identify the  
8           industry group classification that describes  
9           the principal; requiring that each registrant  
10          designate the general areas of the principal's  
11          legislative interest; requiring the disclosure  
12          of all compensation provided or owed to a  
13          lobbyist; requiring expenditure reports to  
14          include the name and address of each person to  
15          whom the expenditure was made and the amount,  
16          date, and purpose of the expenditure; requiring  
17          that expenditures made as open invitations be  
18          so designated; requiring that each lobbyist  
19          report the areas of the principal's legislative  
20          interest which were lobbied during the  
21          reporting period; requiring a report of the  
22          amount of time spent on each category;  
23          requiring detailed written descriptions of  
24          specific issues lobbied; revising the period  
25          for filing reporting statements; requiring that  
26          a lobbyist and principal preserve certain  
27          records for a specified period; providing for  
28          inspection of such records by a representative  
29          of the Legislature; providing for audits by the  
30          Auditor General; providing for enforcement of  
31          the right of inspection by writ; authorizing

1 legislative committees to investigate persons  
2 engaged in legislative lobbying; requiring that  
3 lobbying-activity reports be electronically  
4 filed; creating s. 11.0455, F.S.; defining the  
5 term "electronic filing system"; providing  
6 requirements for lobbyists filing reports with  
7 the Division of Legislative Information  
8 Services by means of the division's electronic  
9 filing system; providing that such reports are  
10 considered to be under oath; providing  
11 requirements for the electronic filing system;  
12 providing for the Legislature to adopt rules to  
13 administer the electronic filing system;  
14 requiring alternate filing procedures;  
15 requiring the issuance of electronic receipts;  
16 requiring that the division provide for public  
17 access to the data that is filed via the  
18 Internet; amending s. 11.45, F.S.; requiring  
19 that the Auditor General conduct random audits  
20 of the activity reports filed by lobbyists;  
21 granting the Auditor General independent  
22 authority to audit the accounts and records of  
23 any principal or legislative lobbyist with  
24 respect to compliance with the  
25 compensation-reporting requirements; requiring  
26 that the audit reports be forwarded to the  
27 Legislature; specifying the initial reporting  
28 period that is subject to the requirements of  
29 the act; providing an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Subsections (1), (2), (3), and (6) of  
2 section 11.045, Florida Statutes, are amended to read:

3           11.045 Lobbyists; registration and reporting;  
4 exemptions; penalties.--

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

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

10           (b) "Compensation" means a payment, distribution,  
11 loan, advance, reimbursement, deposit, salary, fee, retainer,  
12 or anything of value provided or owed to a lobbyist for the  
13 purpose of lobbying.

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

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

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

26           (f)(e) "Lobbying" means influencing or attempting to  
27 influence legislative action or nonaction through oral or  
28 written communication or an attempt to obtain the goodwill of  
29 a member or employee of the Legislature.

30           (g)(f) "Lobbyist" means a person who is employed and  
31 receives payment, or who contracts for economic consideration,

1 for the purpose of lobbying, or a person who is principally  
2 employed for governmental affairs by another person or  
3 governmental entity to lobby on behalf of that other person or  
4 governmental entity.

5 ~~(h)(g)~~ "Principal" means the person, firm,  
6 corporation, or other entity which has employed or retained a  
7 lobbyist.

8 (2) Each house of the Legislature shall provide by  
9 rule, or may provide by a joint rule adopted by both houses,  
10 for the registration of lobbyists who lobby the Legislature.  
11 The rule may provide for the payment of a registration fee.  
12 The rule may provide for exemptions from registration or  
13 registration fees. The rule shall provide that:

14 (a) Registration is required for each principal  
15 represented.

16 (b) Registration shall include a statement signed by  
17 the principal or principal's representative that the  
18 registrant is authorized to represent the principal.

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

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

29 (e) Each registrant who is a designated lobbyist  
30 pursuant to this section shall identify the industry group  
31 classification that most accurately describes the principal.

1 The industry group classification shall be selected from  
2 categories including, but not limited to, the categories of  
3 agriculture; banking and finance; communications; education;  
4 entertainment and recreation; environment and natural  
5 resources; health and health care; insurance; labor; law;  
6 lodging and restaurants; manufacturing and industrial  
7 (specify: \_\_\_\_\_); marketing and sales; merchandise and  
8 retail; political organizations; professional or trade  
9 (specify: \_\_\_\_\_); public employees; public and community  
10 interest; racing and wagering; real estate and construction;  
11 security; services (specify: \_\_\_\_\_); state and local  
12 government; technology; transportation; travel and tourism;  
13 utilities; or other (specify: \_\_\_\_\_). Industry, trade,  
14 or professional associations shall be indicated by the  
15 industry group that most accurately describes their members.

16 (f)1. Each registrant shall designate one or more  
17 general areas of the principal's legislative interest. The  
18 general areas of legislative interest shall be selected from  
19 categories including, but not limited to, the categories of  
20 abortion; aeronautics; aging; agriculture; alcoholic beverage  
21 regulation; alcoholism and drug abuse; aliens; amusements,  
22 games, and sports; animals; arts and humanities; business and  
23 commerce; cemeteries; charitable and nonprofit organizations;  
24 city government; civil remedies and liabilities; coastal  
25 affairs and beaches; common carriers; communications and  
26 press; consumer protection; corporations and associations;  
27 corrections; county government; courts; crime; criminal  
28 procedures; day care; disaster preparedness and relief;  
29 economic and industrial development; education; elections;  
30 energy; environment; ethics; family issues; fees and other  
31 nontax revenue; financial institutions; fire fighters and

1 police; gambling; handicapped persons; health and health care;  
2 highways and roads; historic preservation and museums;  
3 hospitals; housing; human services; insurance; labor; law  
4 enforcement; lawyers; libraries; malpractice and health care  
5 providers; mental health and mental retardation; military and  
6 veterans; mines and mineral resources; minors; nursing homes;  
7 occupational regulation; oil and gas; open records and open  
8 meetings; parks and wildlife; political subdivisions; probate;  
9 product liability; property interests; public lands;  
10 purchasing; redistricting; religion; retirement systems;  
11 safety; special districts and authorities; state agencies,  
12 state boards, and commissions; state employees, state  
13 officers, and symbols; state finances; taxation; tort reform;  
14 tourism; transportation; utilities; vehicles and traffic;  
15 water; weapons; women's issues; or other  
16 (specify: \_\_\_\_\_).

17 2. For each general category of legislative interest  
18 designated, the registrant shall provide a detailed written  
19 description of one or more specific issues to be lobbied  
20 within the general category, if known.

21 ~~(e) Each lobbyist and each principal shall preserve~~  
22 ~~for a period of 4 years all accounts, bills, receipts,~~  
23 ~~computer records, books, papers, and other documents and~~  
24 ~~records necessary to substantiate lobbying expenditures. Any~~  
25 ~~documents and records retained pursuant to this section may be~~  
26 ~~inspected under reasonable circumstances by any authorized~~  
27 ~~representative of the Legislature. The right of inspection may~~  
28 ~~be enforced by appropriate writ issued by any court of~~  
29 ~~competent jurisdiction.~~

30 ~~(g)(f)~~ All registrations shall be open to the public.  
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1           ~~(h)(g)~~ Any person who is exempt from registration  
2 under the rule shall not be considered a lobbyist for any  
3 purpose.

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

6           (a) Statements shall be filed by all registered  
7 lobbyists four ~~two~~ times per year, which must disclose:

8           1. All lobbying compensation provided or owed to the  
9 lobbyist.

10           2. All lobbying expenditures by the lobbyist and the  
11 principal and the source of funds for such expenditures.

12  
13 All compensation provided or owed to the lobbyist and all  
14 expenditures made by the lobbyist and the principal for the  
15 purpose of lobbying must be reported. Reporting of  
16 expenditures shall be made on an accrual basis. The report of  
17 such expenditures must identify whether the expenditure was  
18 made directly by the lobbyist, directly by the principal,  
19 initiated or expended by the lobbyist and paid for by the  
20 principal, or initiated or expended by the principal and paid  
21 for by the lobbyist. The principal is responsible for the  
22 accuracy of the expenditures reported as lobbying expenditures  
23 made by the principal. The lobbyist is responsible for the  
24 accuracy of the compensation reported and the expenditures  
25 reported as lobbying expenditures made by the lobbyist.  
26 Expenditures made must be reported by the category of the  
27 expenditure, including, but not limited to, the categories of  
28 food and beverages, entertainment, research, communication,  
29 media advertising, publications, travel, and lodging. For each  
30 expenditure that comprises part of the aggregate total  
31 reported in each category, the report must also include the

1 full name and address of each person to whom the expenditure  
2 was made; the amount, date, and purpose of the expenditure;  
3 and the name and title of the legislator or other person for  
4 whom the expenditure was made, or, if the expenditure was made  
5 pursuant to an invitation to all Senators, all  
6 Representatives, all legislators, or all legislative staff of  
7 either or both houses, the designation "Open Invitation."

8 Lobbying expenditures do not include a lobbyist's or  
9 principal's salary, office expenses, and personal expenses for  
10 lodging, meals, and travel.

11 (b) If a principal is represented by two or more  
12 lobbyists, the first lobbyist who registers to represent that  
13 principal shall be the designated lobbyist. The designated  
14 lobbyist's activity ~~expenditure~~ report shall include all  
15 lobbying expenditures made directly by the principal and those  
16 expenditures of the designated lobbyist on behalf of that  
17 principal as required by paragraph (a). All other lobbyists  
18 registered to represent that principal shall file a report  
19 pursuant to paragraph (a). The report of lobbying  
20 expenditures by the principal shall be made pursuant to the  
21 requirements of paragraph (a). The principal is responsible  
22 for the accuracy of figures reported by the designated  
23 lobbyist as lobbying expenditures made directly by the  
24 principal. The designated lobbyist is responsible for the  
25 accuracy of the figures reported as lobbying expenditures made  
26 by that lobbyist and for compensation reported by that  
27 lobbyist. Each lobbyist shall file an activity ~~expenditure~~  
28 report for each period during any portion of which he or she  
29 was registered, and each principal shall ensure that an  
30 activity ~~expenditure~~ report is filed for each period during  
31

1 any portion of which the principal was represented by a  
2 registered lobbyist.

3       (c)1. Each lobbyist, including a designated lobbyist,  
4 shall identify on the activity report one or more general  
5 areas of the principal's legislative interest which were  
6 lobbied during the reporting period. The general areas of  
7 legislative interest shall be selected from categories  
8 including, but not limited to, the categories of abortion;  
9 aeronautics; aging; agriculture; alcoholic beverage  
10 regulation; alcoholism and drug abuse; aliens; amusements,  
11 games, and sports; animals; arts and humanities; business and  
12 commerce; cemeteries; charitable and nonprofit organizations;  
13 city government; civil remedies and liabilities; coastal  
14 affairs and beaches; common carriers; communications and  
15 press; consumer protection; corporations and associations;  
16 corrections; county government; courts; crime; criminal  
17 procedures; day care; disaster preparedness and relief;  
18 economic and industrial development; education; elections;  
19 energy; environment; ethics; family issues; fees and other  
20 nontax revenue; financial institutions; fire fighters and  
21 police; gambling; handicapped persons; health and health care;  
22 highways and roads; historic preservation and museums;  
23 hospitals; housing; human services; insurance; labor; law  
24 enforcement; lawyers; libraries; malpractice and health care  
25 providers; mental health and mental retardation; military and  
26 veterans; mines and mineral resources; minors; nursing homes;  
27 occupational regulation; oil and gas; open records and open  
28 meetings; parks and wildlife; political subdivisions; probate;  
29 product liability; property interests; public lands;  
30 purchasing; redistricting; religion; retirement systems;  
31 safety; special districts and authorities; state agencies,

1 state boards, and commissions; state employees, state  
2 officers, and symbols; state finances; taxation; tort reform;  
3 tourism; transportation; utilities; vehicles and traffic;  
4 water; weapons; women's issues; or other  
5 (specify: \_\_\_\_\_).

6 2. For each general category of legislative interest  
7 designated, the lobbyist shall make a good-faith effort to  
8 estimate the percentage of lobbying time spent on the  
9 category. The sum of time spent lobbying all designated  
10 categories must equal 100 percent.

11 3. For each general category of legislative interest  
12 designated, the lobbyist shall provide a detailed written  
13 description of one or more specific issues lobbied within the  
14 general category.

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

22 (e)(d) The reporting statements shall be filed no  
23 later than 45 days after the end of the reporting period. The  
24 first report shall include the compensation and expenditures  
25 for the period from January 1 through March 31 ~~June 30~~. The  
26 second report shall include the compensation and ~~disclose~~  
27 expenditures for the period from April 1 through June 30. ~~The~~  
28 third report shall include the compensation and expenditures  
29 for the period from July 1 through September 30. The fourth  
30 report shall include the compensation and expenditures from  
31 October 1 ~~July 1~~ through December 31. The statements shall be

1 rendered in the identical form provided by the respective  
2 houses and shall be open to public inspection. Reporting  
3 statements may be filed by electronic means, when feasible.

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

13 ~~(g)(f)~~ Each house of the Legislature shall provide by  
14 rule, or both houses may provide by joint rule, a procedure by  
15 which a lobbyist who fails to timely file a report shall be  
16 notified and assessed fines. The rule shall provide for the  
17 following:

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

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

27 a. When a report is actually received by the lobbyist  
28 registration and reporting office.

29 b. When the report is postmarked.

30 c. When the certificate of mailing is dated.

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1           d. When the receipt from an established courier  
2 company is dated.

3           3. Such fine shall be paid within 30 days after the  
4 notice of payment due is transmitted by the Lobbyist  
5 Registration Office, unless appeal is made to the division.  
6 The moneys shall be deposited into the Legislative Lobbyist  
7 Registration Trust Fund.

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

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

1           6. A lobbyist, a lobbyist's legal representative, or  
2 the principal of a lobbyist may request that the filing of an  
3 ~~activity expenditure~~ report be waived upon good cause shown,  
4 based on unusual circumstances. The request must be filed with  
5 the General Counsel of the Office of Legislative Services, who  
6 shall make a recommendation concerning the waiver request to  
7 the President of the Senate and the Speaker of the House of  
8 Representatives. The President of the Senate and the Speaker  
9 of the House of Representatives may grant or deny the request.  
10 The registration of a lobbyist who fails to timely pay a fine  
11 is automatically suspended until the fine is paid or waived.

12           7. The person designated to review the timeliness of  
13 reports shall notify the director of the division of the  
14 failure of a lobbyist to file a report after notice or of the  
15 failure of a lobbyist to pay the fine imposed.

16           (h) Each lobbyist and each principal shall preserve  
17 for a period of 4 years all accounts, bills, receipts,  
18 computer records, books, papers, e-mails, ledgers, federal tax  
19 information, and other documents and records necessary to  
20 substantiate lobbying compensation and expenditures.

21           1. Any expenditure-related documents and records  
22 retained pursuant to this section may be inspected under  
23 reasonable circumstances by any authorized representative of  
24 the Legislature. The right of inspection may be enforced by  
25 appropriate writ issued by any court of competent  
26 jurisdiction.

27           2. Any compensation-related documents and records  
28 retained pursuant to this section may be audited by the  
29 Auditor General pursuant to s. 11.45 and may be enforced by  
30 appropriate writ issued by any court of competent  
31 jurisdiction.

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

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

24           11.045 Lobbyists; registration and reporting;  
25 exemptions; penalties.--

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

28           (a) Statements shall be filed by all registered  
29 lobbyists four times per year, which must disclose:

30           1. All lobbying compensation provided or owed to the  
31 lobbyist.

1           2. All lobbying expenditures by the lobbyist and the  
2 principal and the source of funds for such expenditures.

3  
4 All compensation provided or owed to the lobbyist and all  
5 expenditures made by the lobbyist and the principal for the  
6 purpose of lobbying must be reported. Reporting of  
7 expenditures shall be made on an accrual basis. The report of  
8 such expenditures must identify whether the expenditure was  
9 made directly by the lobbyist, directly by the principal,  
10 initiated or expended by the lobbyist and paid for by the  
11 principal, or initiated or expended by the principal and paid  
12 for by the lobbyist. The principal is responsible for the  
13 accuracy of the expenditures reported as lobbying expenditures  
14 made by the principal. The lobbyist is responsible for the  
15 accuracy of the compensation reported and the expenditures  
16 reported as lobbying expenditures made by the lobbyist.  
17 Expenditures made must be reported by the category of the  
18 expenditure, including, but not limited to, the categories of  
19 food and beverages, entertainment, research, communication,  
20 media advertising, publications, travel, and lodging. For each  
21 expenditure that comprises part of the aggregate total  
22 reported in each category, the report must also include the  
23 full name and address of each person to whom the expenditure  
24 was made; the amount, date, and purpose of the expenditure;  
25 and the name and title of the person for whom the expenditure  
26 was made, or, if the expenditure was made pursuant to an  
27 invitation to all Senators, all Representatives, all  
28 legislators, or all legislative staff of either or both  
29 houses, the designation "Open Invitation." Lobbying  
30 expenditures do not include a lobbyist's or principal's  
31

1 salary, office expenses, and personal expenses for lodging,  
2 meals, and travel.

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

24 (c)1. Each lobbyist, including a designated lobbyist,  
25 shall identify on the activity report one or more general  
26 areas of the principal's legislative interest which were  
27 lobbied during the reporting period. The general areas of  
28 legislative interest shall be selected from categories  
29 including, but not limited to, the categories of abortion;  
30 aeronautics; aging; agriculture; alcoholic beverage  
31 regulation; alcoholism and drug abuse; aliens; amusements,

1 | games, and sports; animals; arts and humanities; business and  
2 | commerce; cemeteries; charitable and nonprofit organizations;  
3 | city government; civil remedies and liabilities; coastal  
4 | affairs and beaches; common carriers; communications and  
5 | press; consumer protection; corporations and associations;  
6 | corrections; county government; courts; crime; criminal  
7 | procedures; day care; disaster preparedness and relief;  
8 | economic and industrial development; education; elections;  
9 | energy; environment; ethics; family issues; fees and other  
10 | nontax revenue; financial institutions; fire fighters and  
11 | police; gambling; handicapped persons; health and health care;  
12 | highways and roads; historic preservation and museums;  
13 | hospitals; housing; human services; insurance; labor; law  
14 | enforcement; lawyers; libraries; malpractice and health care  
15 | providers; mental health and mental retardation; military and  
16 | veterans; mines and mineral resources; minors; nursing homes;  
17 | occupational regulation; oil and gas; open records and open  
18 | meetings; parks and wildlife; political subdivisions; probate;  
19 | product liability; property interests; public lands;  
20 | purchasing; redistricting; religion; retirement systems;  
21 | safety; special districts and authorities; state agencies,  
22 | state boards, and commissions; state employees, state  
23 | officers, and symbols; state finances; taxation; tort reform;  
24 | tourism; transportation; utilities; vehicles and traffic;  
25 | water; weapons; women's issues; or other  
26 | (specify:\_\_\_\_\_).

27 |         2. For each general category of legislative interest  
28 | designated, the lobbyist shall make a good-faith effort to  
29 | estimate the percentage of lobbying time spent on the  
30 | category. The sum of time spent lobbying all designated  
31 | categories must equal 100 percent.

1           3. For each general category of legislative interest  
2 designated, the lobbyist shall provide a detailed written  
3 description of one or more specific issues lobbied within the  
4 general category.

5           (d) For each reporting period the division shall  
6 aggregate the compensation and expenditures reported by all of  
7 the lobbyists for a principal represented by more than one  
8 lobbyist. Further, the division shall aggregate figures that  
9 provide a cumulative total of compensation reported and  
10 expenditures reported as spent by and on behalf of each  
11 principal for the calendar year.

12           (e) The reporting statements shall be filed no later  
13 than 45 days after the end of the reporting period. The first  
14 report shall include the compensation and expenditures for the  
15 period from January 1 through March 31. The second report  
16 shall include the compensation and expenditures for the period  
17 from April 1 through June 30. The third report shall include  
18 the compensation and expenditures for the period from July 1  
19 through September 30. The fourth report shall include the  
20 compensation and expenditures from October 1 through December  
21 31. The statements shall be rendered in the identical form  
22 provided by the respective houses and shall be open to public  
23 inspection. Reporting statements must ~~may~~ be filed by  
24 electronic means as provided in s. 11.0455, ~~when feasible~~.

25           ~~(f) Reports shall be filed not later than 5 p.m. of~~  
26 ~~the report due date. However, any report that is postmarked~~  
27 ~~by the United States Postal Service no later than midnight of~~  
28 ~~the due date shall be deemed to have been filed in a timely~~  
29 ~~manner, and a certificate of mailing obtained from and dated~~  
30 ~~by the United States Postal Service at the time of the~~  
31 ~~mailing, or a receipt from an established courier company~~

1 ~~which bears a date on or before the due date, shall be proof~~  
2 ~~of mailing in a timely manner.~~

3       (f)(g) Each house of the Legislature shall provide by  
4 rule, or both houses may provide by joint rule, a procedure by  
5 which a lobbyist who fails to timely file a report shall be  
6 notified and assessed fines. The rule shall provide for the  
7 following:

8           1. Upon determining that the report is late, the  
9 person designated to review the timeliness of reports shall  
10 immediately notify the lobbyist as to the failure to timely  
11 file the report and that a fine is being assessed for each  
12 late day. The fine shall be \$50 per day per report for each  
13 late day, not to exceed \$5,000 per report.

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

17           a. When a report is actually received by the lobbyist  
18 registration and reporting office.

19           b. When the electronic receipt issued pursuant to s.  
20 11.0455 is dated. ~~When the report is postmarked.~~

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

22           d. ~~When the receipt from an established courier~~  
23 ~~company is dated.~~

24           3. Such fine shall be paid within 30 days after the  
25 notice of payment due is transmitted by the Lobbyist  
26 Registration Office, unless appeal is made to the division.  
27 The moneys shall be deposited into the Legislative Lobbyist  
28 Registration Trust Fund.

29           4. A fine shall not be assessed against a lobbyist the  
30 first time any reports for which the lobbyist is responsible  
31 are not timely filed. However, to receive the one-time fine

1 waiver, all reports for which the lobbyist is responsible must  
2 be filed within 30 days after notice that any reports have not  
3 been timely filed is transmitted by the Lobbyist Registration  
4 Office. A fine shall be assessed for any subsequent late-filed  
5 reports.

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

22           6. A lobbyist, a lobbyist's legal representative, or  
23 the principal of a lobbyist may request that the filing of an  
24 activity report be waived upon good cause shown, based on  
25 unusual circumstances. The request must be filed with the  
26 General Counsel of the Office of Legislative Services, who  
27 shall make a recommendation concerning the waiver request to  
28 the President of the Senate and the Speaker of the House of  
29 Representatives. The President of the Senate and the Speaker  
30 of the House of Representatives may grant or deny the request.

31

1 The registration of a lobbyist who fails to timely pay a fine  
2 is automatically suspended until the fine is paid or waived.

3 7. The person designated to review the timeliness of  
4 reports shall notify the director of the division of the  
5 failure of a lobbyist to file a report after notice or of the  
6 failure of a lobbyist to pay the fine imposed.

7 ~~(g)(h)~~ Each lobbyist and each principal shall preserve  
8 for a period of 4 years all accounts, bills, receipts,  
9 computer records, books, papers, and other documents and  
10 records necessary to substantiate lobbying compensation and  
11 expenditures.

12 1. Any expenditure-related documents and records  
13 retained pursuant to this section may be inspected under  
14 reasonable circumstances by any authorized representative of  
15 the Legislature. The right of inspection may be enforced by  
16 appropriate writ issued by any court of competent  
17 jurisdiction.

18 2. Any compensation-related documents and records  
19 retained pursuant to this section may be inspected under  
20 reasonable circumstances by the Auditor General pursuant to s.  
21 11.45. The right of inspection may be enforced by appropriate  
22 writ issued by any court of competent jurisdiction.

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

25 11.0455 Electronic filing of lobbying-activity  
26 reports.--

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

31

1       (2) Each lobbyist who is required to file reports with  
2 the Division of Legislative Information Services pursuant to  
3 s. 11.045 must file such reports with the division by means of  
4 the division's electronic filing system.

5       (3) A report filed pursuant to this section must be  
6 completed and filed through the electronic filing system not  
7 later than 11:59 p.m. of the day designated in s. 11.045. A  
8 report not filed by 11:59 p.m. of the day designated is a  
9 late-filed report and is subject to the penalties under s.  
10 11.045(3).

11       (4) Each report filed pursuant to this section is  
12 considered to be under oath by the lobbyist, or the designated  
13 lobbyist and principal, whichever is applicable, and such  
14 persons are subject to the provisions of s. 11.045(6) and (7).  
15 Persons given a secure sign-on to the electronic filing system  
16 are responsible for protecting it from disclosure and are  
17 responsible for all filings using such credentials, unless  
18 they have notified the division that their credentials have  
19 been compromised.

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

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

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

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

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

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

1 procedures to administer this section, including, but not  
2 limited to:

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

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

8 (7) The division shall make all the data filed  
9 available on the Internet in an easily understood and  
10 accessible format. In addition, the division shall include  
11 each principal's current industry group classification  
12 pursuant to s. 11.045(2).

13 Section 4. Effective May 15, 2006, subsections (2) and  
14 (3) of section 11.45, Florida Statutes, are amended to read:

15 11.45 Definitions; duties; authorities; reports;  
16 rules.--

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

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

22 (b) Annually conduct a financial audit of state  
23 government.

24 (c) Annually conduct financial audits of all  
25 universities and district boards of trustees of community  
26 colleges.

27 (d) Annually conduct financial audits of the accounts  
28 and records of all district school boards in counties with  
29 populations of fewer than 150,000, according to the most  
30 recent federal decennial statewide census.

31

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

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

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

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

- 26 1. Enhance citizen participation in local government;  
27 2. Improve the financial condition of local  
28 governments;  
29 3. Provide essential government services in an  
30 efficient and effective manner; and  
31

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

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

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

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

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

27           (m) Conduct random audits of 1 percent of the activity  
28 reports filed pursuant to s. 11.045 or s. 11.0455. The audit  
29 shall be limited to determining compliance with the lobbying  
30 compensation reporting requirements of s. 11.045, except that  
31 the audit scope may not include the timeliness of the filing.

1 The Auditor General shall forward all final audit reports to  
2 the legislative committee designated in s. 11.045.

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

10 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--The  
11 Auditor General may, pursuant to his or her own authority, or  
12 at the direction of the Legislative Auditing Committee,  
13 conduct audits or other engagements as determined appropriate  
14 by the Auditor General of:

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

17 (b) The information technology programs, activities,  
18 functions, or systems of any governmental entity created or  
19 established by law.

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

22 (d) The accounts and records of any direct-support  
23 organization or citizen support organization created or  
24 established by law. The Auditor General is authorized to  
25 require and receive any records from the direct-support  
26 organization or citizen support organization, or from its  
27 independent auditor.

28 (e) The public records associated with any  
29 appropriation made by the Legislature to a nongovernmental  
30 agency, corporation, or person. All records of a  
31 nongovernmental agency, corporation, or person with respect to

1 | the receipt and expenditure of such an appropriation shall be  
2 | public records and shall be treated in the same manner as  
3 | other public records are under general law.

4 |         (f) State financial assistance provided to any  
5 | nonstate entity as defined by s. 215.97.

6 |         (g) The Tobacco Settlement Financing Corporation  
7 | created pursuant to s. 215.56005.

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

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

21 |         (j) The Florida Development Finance Corporation or the  
22 | capital development board or the programs or entities created  
23 | by the board. The audit or report may not reveal the identity  
24 | of any person who has anonymously made a donation to the board  
25 | pursuant to this paragraph. The identity of a donor or  
26 | prospective donor to the board who desires to remain anonymous  
27 | and all information identifying such donor or prospective  
28 | donor are confidential and exempt from the provisions of s.  
29 | 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
30 | anonymity shall be maintained in the auditor's report.

31 |

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

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

7           (m) The transportation corporations under contract  
8 with the Department of Transportation that are acting on  
9 behalf of the state to secure and obtain rights-of-way for  
10 urgently needed transportation systems and to assist in the  
11 planning and design of such systems pursuant to ss.  
12 339.401-339.421.

13           (n) The acquisitions and divestitures related to the  
14 Florida Communities Trust Program created pursuant to chapter  
15 380.

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

18           (p) The Florida Partnership for School Readiness  
19 created pursuant to s. 411.01.

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

22           (r) Workforce Florida, Inc., or the programs or  
23 entities created by Workforce Florida, Inc., created pursuant  
24 to s. 445.004.

25           (s) The corporation defined in s. 455.32 that is under  
26 contract with the Department of Business and Professional  
27 Regulation to provide administrative, investigative,  
28 examination, licensing, and prosecutorial support services in  
29 accordance with the provisions of s. 455.32 and the practice  
30 act of the relevant profession.

31

1 (t) The Florida Engineers Management Corporation  
2 created pursuant to chapter 471.

3 (u) The Investment Fraud Restoration Financing  
4 Corporation created pursuant to chapter 517.

5 (v) The books and records of any permitholder that  
6 conducts race meetings or jai alai exhibitions under chapter  
7 550.

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

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

12 (y) The accounts and records of any principal or  
13 legislative lobbyist relating to compliance with the  
14 compensation-reporting provisions of s. 11.045, except that  
15 the audit scope may not include the timeliness of the filing.  
16 The Auditor General shall forward all final audit reports to  
17 the legislative committee designated in s. 11.045.

18 Section 5. The first activity reports subject to the  
19 amended reporting requirements in this act must be filed by  
20 May 15, 2006, and encompass the reporting period from January  
21 1, 2006, through March 31, 2006.

22 Section 6. This act shall take effect January 1, 2006.

23  
24 \*\*\*\*\*

25 SENATE SUMMARY

26 Revises the reporting requirements for lobbyists to  
27 require the identification of the areas of interest  
28 represented and the amount of time spent lobbying those  
29 areas of interest. Requires that expenditures be  
30 reported, including the name of the person who received  
31 the expenditure and the amount, date, and purpose of the  
expenditure. Requires the Auditor General to conduct  
audits and report to the Legislature. Provides for an  
electronic filing system within the Division of  
Legislative Information for purposes of filing reports of  
lobbying activity. (See bill for details.)