

By the Committee on Ways and Means; and Senator Sebesta

576-1873-05

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

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

1           that the audit reports be forwarded to the  
2           Legislature; amending s. 112.3215, F.S.,  
3           relating to the requirements that executive  
4           branch and Constitution Revision Commission  
5           lobbyists register and report; defining the  
6           term "compensation"; requiring each lobbyist  
7           who is a designated lobbyist to identify the  
8           industry group classification that describes  
9           the principal; requiring that each lobbyist  
10          designate the general and specific areas of the  
11          principal's legislative interest; requiring the  
12          disclosure of all compensation provided or owed  
13          to a lobbyist; requiring lobbying activity  
14          reports to include the name and address of each  
15          person to whom a lobbying expenditure was made,  
16          the amount, date, and purpose of the  
17          expenditure and the name, title, and agency of  
18          the person for whom the expenditure was made;  
19          requiring that each lobbyist report the areas  
20          of the principal's lobbying interest which were  
21          lobbied during the reporting period; requiring  
22          a report of the amount of time spent on each  
23          category; requiring detailed written  
24          descriptions of specific issues lobbied;  
25          requiring the Commission on Ethics to aggregate  
26          certain compensation and expenditure  
27          information; revising the period for filing  
28          reporting statements; requiring that a lobbyist  
29          and principal preserve certain records for a  
30          specified period; providing for inspection of  
31          such records by a representative of the

1 commission; providing for audits by the Auditor  
2 General; providing for enforcement of the right  
3 of inspection by writ; requiring that  
4 lobbying-activity reports be electronically  
5 filed; creating s. 112.32155, F.S.; defining  
6 the term "electronic filing system"; providing  
7 requirements for lobbyists filing reports with  
8 the Florida Commission on Ethics by means of  
9 the electronic filing system; providing that  
10 such reports are considered to be under oath;  
11 providing requirements for the electronic  
12 filing system; providing for the commission to  
13 adopt rules to administer the electronic filing  
14 system; requiring alternate filing procedures;  
15 requiring the issuance of electronic receipts;  
16 requiring that the commission provide for  
17 public access to the data that is filed via the  
18 Internet; specifying the initial reporting  
19 period that is subject to the requirements of  
20 the act; providing effective dates.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
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24 Section 1. Subsections (1), (2), (3), and (6) of  
25 section 11.045, Florida Statutes, are amended to read:

26 11.045 Lobbyists; registration and reporting;  
27 exemptions; penalties.--

28 (1) As used in this section, unless the context  
29 otherwise requires:  
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1           (a) "Committee" means the committee of each house  
2 charged by the presiding officer with responsibility for  
3 ethical conduct of lobbyists.

4           **(b)** "**Compensation**" means a **payment, distribution,**  
5 **loan, advance, reimbursement, deposit, salary, fee, retainer,**  
6 **or anything of value provided or owed to a lobbyist for the**  
7 **purpose of lobbying.**

8           **(c)**~~(b)~~ "Division" means the Division of Legislative  
9 Information Services within the Office of Legislative  
10 Services.

11           **(d)**~~(e)~~ "Expenditure" means a payment, distribution,  
12 loan, advance, reimbursement, deposit, or anything of value  
13 made by a lobbyist or principal for the purpose of lobbying.

14           **(e)**~~(d)~~ "Legislative action" means introduction,  
15 sponsorship, testimony, debate, voting, or any other official  
16 action on any measure, resolution, amendment, nomination,  
17 appointment, or report of, or any matter which may be the  
18 subject of action by, either house of the Legislature or any  
19 committee thereof.

20           **(f)**~~(e)~~ "Lobbying" means influencing or attempting to  
21 influence legislative action or nonaction through oral or  
22 written communication or an attempt to obtain the goodwill of  
23 a member or employee of the Legislature.

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

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1           ~~(h)(g)~~ "Principal" means the person, firm,  
2 corporation, or other entity which has employed or retained a  
3 lobbyist.

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

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

12           (b) Registration shall include a statement signed by  
13 the principal or principal's representative that the  
14 registrant is authorized to represent the principal.

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

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

25           ~~(e)~~ Each registrant who is a designated lobbyist  
26 pursuant to this section shall identify the industry group  
27 classification that most accurately describes the principal.  
28 The industry group classification shall be selected from the  
29 categories of agriculture; banking and finance;  
30 communications; education; entertainment and recreation;  
31 environment and natural resources; health and health care;

1 insurance; labor; law; lodging and restaurants; manufacturing  
2 and industrial (specify: \_\_\_\_\_); marketing and sales;  
3 merchandise and retail; political organizations; professional  
4 or trade (specify: \_\_\_\_\_); public employees; public and  
5 community interest; racing and wagering; real estate and  
6 construction; security; services (specify: \_\_\_\_\_); state  
7 and local government; technology; transportation; travel and  
8 tourism; utilities; or other (specify: \_\_\_\_\_). Industry,  
9 trade, or professional associations shall be indicated by the  
10 industry group that most accurately describes their members.

11 (f)1. Each registrant shall designate all general  
12 areas of the principal's legislative interest. The general  
13 areas of legislative interest shall be selected from the  
14 categories of abortion; aeronautics; aging; agriculture;  
15 alcoholic beverage regulation; alcoholism and drug abuse;  
16 aliens; amusements, games, and sports; animals; arts and  
17 humanities; business and commerce; cemeteries; charitable and  
18 nonprofit organizations; city government; civil remedies and  
19 liabilities; coastal affairs and beaches; common carriers;  
20 communications and press; consumer protection; corporations  
21 and associations; corrections; county government; courts;  
22 crime; criminal procedures; day care; disaster preparedness  
23 and relief; economic and industrial development; education;  
24 elections; energy; environment; ethics; family issues; fees  
25 and other nontax revenue; financial institutions; fire  
26 fighters and police; gambling; handicapped persons; health and  
27 health care; highways and roads; historic preservation and  
28 museums; hospitals; housing; human services; insurance; labor;  
29 law enforcement; lawyers; libraries; malpractice and health  
30 care providers; mental health and mental retardation; military  
31 and veterans; mines and mineral resources; minors; nursing

1 homes; occupational regulation; oil and gas; open records and  
2 open meetings; parks and wildlife; political subdivisions;  
3 probate; product liability; property interests; public lands;  
4 purchasing; redistricting; religion; retirement systems;  
5 safety; special districts and authorities; state agencies,  
6 state boards, and commissions; state employees, state  
7 officers, and symbols; state finances; taxation; tort reform;  
8 tourism; transportation; utilities; vehicles and traffic;  
9 water; weapons; women's issues; or other

10 (specify: \_\_\_\_\_).

11 2. For each general category of legislative interest  
12 designated, the registrant shall provide a detailed written  
13 description of all specific issues to be lobbied within the  
14 general category, if known.

15 ~~(g)(f)~~ All registrations shall be open to the public.

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

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

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

23 1. All lobbying compensation provided or owed to the  
24 lobbyist.

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

27  
28 All compensation provided or owed to the lobbyist and all  
29 expenditures made by the lobbyist and the principal for the  
30 purpose of lobbying must be reported. Reporting of  
31 expenditures shall be made on an accrual basis. The report of



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

27 (b) If a principal is represented by two or more  
28 lobbyists, the first lobbyist who registers to represent that  
29 principal shall be the designated lobbyist. The designated  
30 lobbyist's activity ~~expenditure~~ report shall include all  
31 lobbying expenditures made directly by the principal and those

1 expenditures of the designated lobbyist on behalf of that  
2 principal as required by paragraph (a). All other lobbyists  
3 registered to represent that principal shall file a report  
4 pursuant to paragraph (a). The report of lobbying  
5 expenditures by the principal shall be made pursuant to the  
6 requirements of paragraph (a). The principal is responsible  
7 for the accuracy of figures reported by the designated  
8 lobbyist as lobbying expenditures made directly by the  
9 principal. The designated lobbyist is responsible for the  
10 accuracy of the figures reported as lobbying expenditures made  
11 by that lobbyist and for compensation reported by that  
12 lobbyist. Each lobbyist shall file an activity ~~expenditure~~  
13 report for each period during any portion of which he or she  
14 was registered, and each principal shall ensure that an  
15 activity ~~expenditure~~ report is filed for each period during  
16 any portion of which the principal was represented by a  
17 registered lobbyist.

18 (c)1. Each lobbyist, including a designated lobbyist,  
19 shall identify on the activity report all general areas of the  
20 principal's legislative interest which were lobbied during the  
21 reporting period. The general areas of legislative interest  
22 shall be selected from the categories of abortion;  
23 aeronautics; aging; agriculture; alcoholic beverage  
24 regulation; alcoholism and drug abuse; aliens; amusements,  
25 games, and sports; animals; arts and humanities; business and  
26 commerce; cemeteries; charitable and nonprofit organizations;  
27 city government; civil remedies and liabilities; coastal  
28 affairs and beaches; common carriers; communications and  
29 press; consumer protection; corporations and associations;  
30 corrections; county government; courts; crime; criminal  
31 procedures; day care; disaster preparedness and relief;

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

20 2. For each general category of legislative interest  
21 designated, the lobbyist shall make a good-faith effort to  
22 estimate the percentage of lobbying time spent on the  
23 category. The sum of time spent lobbying all designated  
24 categories must equal 100 percent.

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

29 (d)(e) For each reporting period the division shall  
30 aggregate the compensation and expenditures reported by all of  
31 the lobbyists for a principal represented by more than one

1 lobbyist. Further, the division shall aggregate figures that  
2 provide a cumulative total of compensation reported and  
3 expenditures reported as spent by and on behalf of each  
4 principal for the calendar year.

5 ~~(e)(d)~~ The reporting statements shall be filed no  
6 later than 45 days after the end of each ~~the~~ reporting period  
7 ~~and. The first report shall include the~~ legislative interests  
8 information, compensation, and expenditures for the period  
9 from January 1 through March 31, April 1 through June 30, July  
10 1 through September 30, and October 1 through December 31,  
11 respectively ~~June 30. The second report shall disclose~~  
12 ~~expenditures for the period from July 1 through December 31.~~

13 The statements shall be rendered in the identical form  
14 provided by the respective houses and shall be open to public  
15 inspection. Reporting statements may be filed by electronic  
16 means, when feasible.

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

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

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

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

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

12           b. When the report is postmarked.

13           c. When the certificate of mailing is dated.

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

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

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

29           5. Any lobbyist may appeal or dispute a fine, based  
30 upon unusual circumstances surrounding the failure to file on  
31 the designated due date, and may request and shall be entitled

1 to a hearing before the General Counsel of the Office of  
2 Legislative Services, who shall recommend to the President of  
3 the Senate and the Speaker of the House of Representatives, or  
4 their respective designees, that the fine be waived in whole  
5 or in part for good cause shown. The President of the Senate  
6 and the Speaker of the House of Representatives, or their  
7 respective designees, may concur in the recommendation and  
8 waive the fine in whole or in part. Any such request shall be  
9 made within 30 days after the notice of payment due is  
10 transmitted by the Lobbyist Registration Office. In such  
11 case, the lobbyist shall, within the 30-day period, notify the  
12 person designated to review the timeliness of reports in  
13 writing of his or her intention to request a hearing.

14         6. A lobbyist, a lobbyist's legal representative, or  
15 the principal of a lobbyist may request that the filing of an  
16 activity ~~expenditure~~ report be waived upon good cause shown,  
17 based on unusual circumstances. The request must be filed with  
18 the General Counsel of the Office of Legislative Services, who  
19 shall make a recommendation concerning the waiver request to  
20 the President of the Senate and the Speaker of the House of  
21 Representatives. The President of the Senate and the Speaker  
22 of the House of Representatives may grant or deny the request.  
23 The registration of a lobbyist who fails to timely pay a fine  
24 is automatically suspended until the fine is paid or waived.

25         7. The person designated to review the timeliness of  
26 reports shall notify the director of the division of the  
27 failure of a lobbyist to file a report after notice or of the  
28 failure of a lobbyist to pay the fine imposed.

29         (h) Each lobbyist and each principal shall preserve  
30 for a period of 4 years all accounts, bills, receipts,  
31 computer records, books, papers, e-mails, ledgers, federal tax

1 information, and other documents and records necessary to  
2 substantiate lobbying compensation and expenditures.

3 1. Any expenditure-related documents and records  
4 retained pursuant to this subsection may be inspected under  
5 reasonable circumstances by any authorized representative of  
6 the Legislature. The right of inspection may be enforced by  
7 appropriate writ issued by any court of competent  
8 jurisdiction.

9 2. Any compensation-related documents and records  
10 retained pursuant to this subsection may be audited by the  
11 Auditor General pursuant to s. 11.45 and may be enforced by  
12 appropriate writ issued by any court of competent  
13 jurisdiction.

14 (6) The committee of either house shall investigate  
15 any person engaged in legislative lobbying upon receipt of a  
16 sworn complaint alleging a violation of this section, s.  
17 112.3148, or s. 112.3149 by such person; also, the committee  
18 of either house shall investigate any person engaged, or  
19 formerly engaged, in lobbying pursuant to this section upon  
20 receipt of compensation-reporting audit information indicating  
21 a possible violation other than a late-filed report. Such  
22 proceedings shall be conducted pursuant to the rules of the  
23 respective houses. If the committee finds that there has been  
24 a violation of this section, s. 112.3148, or s. 112.3149, it  
25 shall report its findings to the President of the Senate or  
26 the Speaker of the House of Representatives, as appropriate,  
27 together with a recommended penalty, to include a fine of not  
28 more than \$5,000, reprimand, censure, probation, or  
29 prohibition from lobbying for a period of time not to exceed  
30 24 months. Upon the receipt of such report, the President of  
31 the Senate or the Speaker of the House of Representatives

1 shall cause the committee report and recommendations to be  
2 brought before the respective house and a final determination  
3 shall be made by a majority of said house.

4 Section 2. Effective April 1, 2006, subsection (3) of  
5 section 11.045, Florida Statutes, as amended by this act, is  
6 amended to read:

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

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

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

13 1. All lobbying compensation provided or owed to the  
14 lobbyist.

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

17  
18 All compensation provided or owed to the lobbyist and all  
19 expenditures made by the lobbyist and the principal for the  
20 purpose of lobbying must be reported. Reporting of  
21 expenditures shall be made on an accrual basis. The report of  
22 such expenditures must identify whether the expenditure was  
23 made directly by the lobbyist, directly by the principal,  
24 initiated or expended by the lobbyist and paid for by the  
25 principal, or initiated or expended by the principal and paid  
26 for by the lobbyist. The principal is responsible for the  
27 accuracy of compensation reported and the expenditures  
28 reported as lobbying expenditures made by the principal. The  
29 lobbyist is responsible for the accuracy of compensation  
30 reported and the expenditures reported as lobbying  
31 expenditures made by the lobbyist. Expenditures made must be



1 reported by the category of the expenditure, including, but  
2 not limited to, the categories of food and beverages,  
3 entertainment, research, communication, media advertising,  
4 publications, travel, and lodging. For each expenditure that  
5 comprises part of the aggregate total reported in each  
6 category, the report must also include the full name and  
7 address of each person to whom the expenditure was made; the  
8 amount, date, and purpose of the expenditure; and the name and  
9 title of the legislator or other person for whom the  
10 expenditure was made, or, if the expenditure was made pursuant  
11 to an invitation to all Senators, all Representatives, all  
12 legislators, or all legislative staff of either or both  
13 houses, the designation "Open Invitation." Lobbying  
14 expenditures do not include a lobbyist's or principal's  
15 salary, office expenses, and personal expenses for lodging,  
16 meals, and travel.

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

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

7 |       (c)1. Each lobbyist, including a designated lobbyist,  
8 | shall identify on the activity report all general areas of the  
9 | principal's legislative interest which were lobbied during the  
10 | reporting period. The general areas of legislative interest  
11 | shall be selected from the categories of abortion;  
12 | aeronautics; aging; agriculture; alcoholic beverage  
13 | regulation; alcoholism and drug abuse; aliens; amusements,  
14 | games, and sports; animals; arts and humanities; business and  
15 | commerce; cemeteries; charitable and nonprofit organizations;  
16 | city government; civil remedies and liabilities; coastal  
17 | affairs and beaches; common carriers; communications and  
18 | press; consumer protection; corporations and associations;  
19 | corrections; county government; courts; crime; criminal  
20 | procedures; day care; disaster preparedness and relief;  
21 | economic and industrial development; education; elections;  
22 | energy; environment; ethics; family issues; fees and other  
23 | nontax revenue; financial institutions; fire fighters and  
24 | police; gambling; handicapped persons; health and health care;  
25 | highways and roads; historic preservation and museums;  
26 | hospitals; housing; human services; insurance; labor; law  
27 | enforcement; lawyers; libraries; malpractice and health care  
28 | providers; mental health and mental retardation; military and  
29 | veterans; mines and mineral resources; minors; nursing homes;  
30 | occupational regulation; oil and gas; open records and open  
31 | meetings; parks and wildlife; political subdivisions; probate;

1 product liability; property interests; public lands;  
2 purchasing; redistricting; religion; retirement systems;  
3 safety; special districts and authorities; state agencies,  
4 state boards, and commissions; state employees, state  
5 officers, and symbols; state finances; taxation; tort reform;  
6 tourism; transportation; utilities; vehicles and traffic;  
7 water; weapons; women's issues; or other  
8 (specify:\_\_\_\_\_).

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

14           3. For each general category of legislative interest  
15 designated, the lobbyist shall provide a detailed written  
16 description of all specific issues lobbied within the general  
17 category.

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

25           (e) The reporting statements shall be filed no later  
26 than 45 days after the end of each reporting period and shall  
27 include the legislative interests information, compensation,  
28 and expenditures for the period from January 1 through March  
29 31, April 1 through June 30, July 1 through September 30, and  
30 October 1 through December 31, respectively. The statements  
31 shall be rendered in the identical form provided by the

1 | respective houses and shall be open to public inspection.

2 | Reporting statements must ~~may~~ be filed by electronic means,  
3 | ~~when feasible.~~

4 |       ~~(f) 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 |       (f)(g) 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 electronic receipt issued pursuant to s.  
30 | 11.0455 is dated. ~~When the report is postmarked.~~

31 |       ~~c. When the certificate of mailing is dated.~~

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 report be waived upon good cause shown, based on  
4 unusual circumstances. The request must be filed with the  
5 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           ~~(g)(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 subsection 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 subsection 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           Section 3. Effective April 1, 2006, section 11.0455,  
2 Florida Statutes, is created to read:

3           11.0455 Electronic filing of lobbying-activity  
4 reports.--

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

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

13           (3) A report filed pursuant to this section must be  
14 completed and filed through the electronic filing system not  
15 later than 11:59 p.m. of the day designated in s. 11.045. A  
16 report not filed by 11:59 p.m. of the day designated is a  
17 late-filed report and is subject to the penalties under s.  
18 11.045(3).

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

28           (5) The electronic filing system developed by the  
29 division must:

30           (a) Be based on access by means of the Internet.  
31

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

3           (c) Provide for direct entry of activity-report  
4 information as well as upload of such information from  
5 software authorized by the division.

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

8           (6) Each house of the Legislature shall provide by  
9 rule, or may provide by a joint rule adopted by both houses,  
10 procedures to administer this section, including, but not  
11 limited to:

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

14           (b) The issuance of an electronic receipt to the  
15 person submitting the report indicating and verifying the date  
16 and time that the report was filed.

17           (7) The division shall make all the data filed  
18 available on the Internet in an easily understood and  
19 accessible format. In addition, the division shall include  
20 each principal's current industry group classification  
21 pursuant to s. 11.045(2).

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

24           11.45 Definitions; duties; authorities; reports;  
25 rules.--

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

27           (a) Conduct audits of records and perform related  
28 duties as prescribed by law, concurrent resolution of the  
29 Legislature, or as directed by the Legislative Auditing  
30 Committee.

31



1           (b) Annually conduct a financial audit of state  
2 government.

3           (c) Annually conduct financial audits of all  
4 universities and district boards of trustees of community  
5 colleges.

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

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

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

14          (g) At least every 2 years, conduct operational audits  
15 of the accounts and records of state agencies and  
16 universities. In connection with these audits, the Auditor  
17 General shall give appropriate consideration to reports issued  
18 by state agencies' inspectors general or universities'  
19 inspectors general and the resolution of findings therein.

20          (h) At least every 2 years, conduct a performance  
21 audit of the local government financial reporting system,  
22 which, for the purpose of this chapter, means any statutory  
23 provisions related to local government financial reporting.  
24 The purpose of such an audit is to determine the accuracy,  
25 efficiency, and effectiveness of the reporting system in  
26 achieving its goals and to make recommendations to the local  
27 governments, the Governor, and the Legislature as to how the  
28 reporting system can be improved and how program costs can be  
29 reduced. The Auditor General shall determine the scope of such  
30 audits. The local government financial reporting system should  
31 provide for the timely, accurate, uniform, and cost-effective

1 accumulation of financial and other information that can be  
2 used by the members of the Legislature and other appropriate  
3 officials to accomplish the following goals:

4       1. Enhance citizen participation in local government;

5       2. Improve the financial condition of local  
6 governments;

7       3. Provide essential government services in an  
8 efficient and effective manner; and

9       4. Improve decisionmaking on the part of the  
10 Legislature, state agencies, and local government officials on  
11 matters relating to local government.

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

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

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

23       (l) Conduct audits of local governmental entities when  
24 determined to be necessary by the Auditor General, when  
25 directed by the Legislative Auditing Committee, or when  
26 otherwise required by law. No later than 18 months after the  
27 release of the audit report, the Auditor General shall perform  
28 such appropriate followup procedures as he or she deems  
29 necessary to determine the audited entity's progress in  
30 addressing the findings and recommendations contained within  
31 the Auditor General's previous report. The Auditor General

1 shall provide a copy of his or her determination to each  
2 member of the audited entity's governing body and to the  
3 Legislative Auditing Committee.

4 (m) For a random sample of 1 percent of all  
5 legislative lobbying registrations and 1 percent of all  
6 executive lobbying registrations for the previous calendar  
7 year, annually conduct audits of all registration-related  
8 quarterly activity reports filed pursuant to s. 11.045 and s.  
9 11.0455, or s. 112.3215 and s. 112.32155, respectively. The  
10 audit shall be limited to determining compliance with the  
11 lobbying compensation reporting requirements of s. 11.045 or  
12 s. 112.3215, whichever is applicable, except that the audit  
13 scope may not include the timeliness of the filing. The  
14 Auditor General shall forward all legislative lobbying final  
15 audit reports to the legislative committees designated in s.  
16 11.045, and shall forward all executive lobbying final audit  
17 reports to the Florida Commission on Ethics.

18  
19 The Auditor General shall perform his or her duties  
20 independently but under the general policies established by  
21 the Legislative Auditing Committee. This subsection does not  
22 limit the Auditor General's discretionary authority to conduct  
23 other audits or engagements of governmental entities as  
24 authorized in subsection (3).

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

27 11.45 Definitions; duties; authorities; reports;  
28 rules.--

29 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--The  
30 Auditor General may, pursuant to his or her own authority, or  
31 at the direction of the Legislative Auditing Committee,

1 | conduct audits or other engagements as determined appropriate  
2 | by the Auditor General of:

3 |       (a) The accounts and records of any governmental  
4 | entity created or established by law.

5 |       (b) The information technology programs, activities,  
6 | functions, or systems of any governmental entity created or  
7 | established by law.

8 |       (c) The accounts and records of any charter school  
9 | created or established by law.

10 |       (d) The accounts and records of any direct-support  
11 | organization or citizen support organization created or  
12 | established by law. The Auditor General is authorized to  
13 | require and receive any records from the direct-support  
14 | organization or citizen support organization, or from its  
15 | independent auditor.

16 |       (e) The public records associated with any  
17 | appropriation made by the Legislature to a nongovernmental  
18 | agency, corporation, or person. All records of a  
19 | nongovernmental agency, corporation, or person with respect to  
20 | the receipt and expenditure of such an appropriation shall be  
21 | public records and shall be treated in the same manner as  
22 | other public records are under general law.

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

25 |       (g) The Tobacco Settlement Financing Corporation  
26 | created pursuant to s. 215.56005.

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

29 |       (i) Enterprise Florida, Inc., including any of its  
30 | boards, advisory committees, or similar groups created by  
31 | Enterprise Florida, Inc., and programs. The audit report may

1 not reveal the identity of any person who has anonymously made  
2 a donation to Enterprise Florida, Inc., pursuant to this  
3 paragraph. The identity of a donor or prospective donor to  
4 Enterprise Florida, Inc., who desires to remain anonymous and  
5 all information identifying such donor or prospective donor  
6 are confidential and exempt from the provisions of s.  
7 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
8 anonymity shall be maintained in the auditor's report.

9 (j) The Florida Development Finance Corporation or the  
10 capital development board or the programs or entities created  
11 by the board. The audit or report may not reveal the identity  
12 of any person who has anonymously made a donation to the board  
13 pursuant to this paragraph. The identity of a donor or  
14 prospective donor to the board who desires to remain anonymous  
15 and all information identifying such donor or prospective  
16 donor are confidential and exempt from the provisions of s.  
17 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
18 anonymity shall be maintained in the auditor's report.

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

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

25 (m) The transportation corporations under contract  
26 with the Department of Transportation that are acting on  
27 behalf of the state to secure and obtain rights-of-way for  
28 urgently needed transportation systems and to assist in the  
29 planning and design of such systems pursuant to ss.  
30 339.401-339.421.

31

1           (n) The acquisitions and divestitures related to the  
2 Florida Communities Trust Program created pursuant to chapter  
3 380.

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

6           (p) The Florida Partnership for School Readiness  
7 created pursuant to s. 411.01.

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

10          (r) Workforce Florida, Inc., or the programs or  
11 entities created by Workforce Florida, Inc., created pursuant  
12 to s. 445.004.

13          (s) The corporation defined in s. 455.32 that is under  
14 contract with the Department of Business and Professional  
15 Regulation to provide administrative, investigative,  
16 examination, licensing, and prosecutorial support services in  
17 accordance with the provisions of s. 455.32 and the practice  
18 act of the relevant profession.

19          (t) The Florida Engineers Management Corporation  
20 created pursuant to chapter 471.

21          (u) The Investment Fraud Restoration Financing  
22 Corporation created pursuant to chapter 517.

23          (v) The books and records of any permitholder that  
24 conducts race meetings or jai alai exhibitions under chapter  
25 550.

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

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

30          (y) The accounts and records of any principal or  
31 lobbyist relating to compliance with the

1 compensation-reporting provisions of s. 11.045 or s. 112.3215,  
2 whichever is applicable, except that the audit scope may not  
3 include the timeliness of the filing. The Auditor General  
4 shall forward all legislative lobbying final audit reports to  
5 the legislative committees designated in s. 11.045, and shall  
6 forward all executive lobbying final audit reports to the  
7 Florida Commission on Ethics.

8 Section 6. Section 112.3215, Florida Statutes, is  
9 amended to read:

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

13 (1) For the purposes of this section:

14 (a) "Agency" means the Governor, Governor and Cabinet,  
15 or any department, division, bureau, board, commission, or  
16 authority of the executive branch. In addition, "agency"  
17 shall mean the Constitution Revision Commission as provided by  
18 s. 2, Art. XI of the State Constitution.

19 (b) "Compensation" means a payment, distribution,  
20 loan, advance, reimbursement, deposit, salary, fee, retainer,  
21 or anything of value provided or owed to a lobbyist for the  
22 purpose of lobbying.

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

26 (d)(e) "Fund" means the Executive Branch Lobby  
27 Registration Trust Fund.

28 (e)(d) "Lobbies" means seeking, on behalf of another  
29 person, to influence an agency with respect to a decision of  
30 the agency in the area of policy or procurement or an attempt  
31 to obtain the goodwill of an agency official or employee.

1 "Lobbies" also means influencing or attempting to influence,  
2 on behalf of another, the Constitution Revision Commission's  
3 action or nonaction through oral or written communication or  
4 an attempt to obtain the goodwill of a member or employee of  
5 the Constitution Revision Commission.

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

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

18 2. An employee of an agency or of a legislative or  
19 judicial branch entity acting in the normal course of his or  
20 her duties.

21 3. A confidential informant who is providing, or  
22 wishes to provide, confidential information to be used for law  
23 enforcement purposes.

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

27 ~~(g)(f)~~ "Principal" means the person, firm,  
28 corporation, or other entity which has employed or retained a  
29 lobbyist.

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



1 | purpose of funding any office established to administer the  
2 | registration of lobbyists lobbying an agency, including the  
3 | payment of salaries and other expenses. The trust fund is not  
4 | subject to the service charge to General Revenue provisions of  
5 | chapter 215. All annual registration fees collected pursuant  
6 | to this section shall be deposited into such fund.

7 |         (3) A person may not lobby an agency until such person  
8 | has registered as a lobbyist with the commission. Such  
9 | registration shall be due upon initially being retained to  
10 | lobby and is renewable on a calendar year basis thereafter.  
11 | Upon registration the person shall provide a statement signed  
12 | by the principal or principal's representative that the  
13 | registrant is authorized to represent the principal. The  
14 | registration shall require the lobbyist to disclose, under  
15 | oath, the following information:

16 |             (a) Name and business address;

17 |             (b) The name and business address of each principal  
18 | represented;

19 |             (c) If the lobbyist is a designated lobbyist, the  
20 | industry group classification that most accurately describes  
21 | the principal. The industry group classification shall be  
22 | selected from the categories of agriculture; banking and  
23 | finance; communications; education; entertainment and  
24 | recreation; environment and natural resources; health and  
25 | health care; insurance; labor; law; lodging and restaurants;  
26 | manufacturing and industrial (specify: \_\_\_\_\_); marketing  
27 | and sales; merchandise and retail; political organizations;  
28 | professional or trade (specify: \_\_\_\_\_); public  
29 | employees; public and community interest; racing and wagering;  
30 | real estate and construction; security; services  
31 | (specify: \_\_\_\_\_); state and local government; technology;

1 transportation; travel and tourism; utilities; or other  
2 (specify: \_\_\_\_\_). Industry, trade, or professional  
3 associations shall be indicated by the industry group that  
4 most accurately describes their members;  
5 (d)1. All general areas of the principal's lobbying  
6 interest. The general areas of interest shall be selected from  
7 the categories of abortion; aeronautics; aging; agriculture;  
8 alcoholic beverage regulation; alcoholism and drug abuse;  
9 aliens; amusements, games, and sports; animals; arts and  
10 humanities; business and commerce; cemeteries; charitable and  
11 nonprofit organizations; city government; civil remedies and  
12 liabilities; coastal affairs and beaches; common carriers;  
13 communications and press; consumer protection; corporations  
14 and associations; corrections; county government; courts;  
15 crime; criminal procedures; day care; disaster preparedness  
16 and relief; economic and industrial development; education;  
17 elections; energy; environment; ethics; family issues; fees  
18 and other nontax revenue; financial institutions; fire  
19 fighters and police; gambling; handicapped persons; health and  
20 health care; highways and roads; historic preservation and  
21 museums; hospitals; housing; human services; insurance; labor;  
22 law enforcement; lawyers; libraries; malpractice and health  
23 care providers; mental health and mental retardation; military  
24 and veterans; mines and mineral resources; minors; nursing  
25 homes; occupational regulation; oil and gas; open records and  
26 open meetings; parks and wildlife; political subdivisions;  
27 probate; product liability; property interests; public lands;  
28 purchasing; redistricting; religion; retirement systems;  
29 safety; special districts and authorities; state agencies,  
30 state boards, and commissions; state employees, state  
31 officers, and symbols; state finances; taxation; tort reform;

1 tourism; transportation; utilities; vehicles and traffic;  
2 water; weapons; women's issues; or other  
3 (specify: \_\_\_\_\_).

4 2. For each general category of lobbying interest  
5 designated, a detailed written description of all specific  
6 issues to be lobbied within the general category, if known;  
7 ~~His or her area of interest;~~

8 ~~(e)(d)~~ The agencies before which he or she will  
9 appear; and

10 ~~(f)(e)~~ The existence of any direct or indirect  
11 business association, partnership, or financial relationship  
12 with any employee of an agency with which he or she lobbies,  
13 or intends to lobby, as disclosed in the registration.

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

17 (5)(a) A registered lobbyist must also submit to the  
18 commission, quarterly ~~biannually~~, a signed activity  
19 ~~expenditure~~ report summarizing all compensation provided or  
20 owed to the lobbyist and all lobbying expenditures by the  
21 lobbyist and the principal for each 3-month ~~6-month~~ period  
22 during any portion of which the lobbyist is registered. All  
23 compensation provided or owed to the lobbyist and all  
24 expenditures made by the lobbyist and the principal for the  
25 purpose of lobbying must be reported. Reporting of  
26 expenditures shall be on an accrual basis. The report of such  
27 expenditures must identify whether the expenditure was made  
28 directly by the lobbyist, directly by the principal, initiated  
29 or expended by the lobbyist and paid for by the principal, or  
30 initiated or expended by the principal and paid for by the  
31 lobbyist. The principal is responsible for the accuracy of the

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

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

1           (c)1. Each lobbyist, including a designated lobbyist,  
2 shall identify on the activity report all general areas of the  
3 principal's lobbying interest which were lobbied during the  
4 reporting period. The general areas of lobbying interest shall  
5 be selected from the categories of abortion; aeronautics;  
6 aging; agriculture; alcoholic beverage regulation; alcoholism  
7 and drug abuse; aliens; amusements, games, and sports;  
8 animals; arts and humanities; business and commerce;  
9 cemeteries; charitable and nonprofit organizations; city  
10 government; civil remedies and liabilities; coastal affairs  
11 and beaches; common carriers; communications and press;  
12 consumer protection; corporations and associations;  
13 corrections; county government; courts; crime; criminal  
14 procedures; day care; disaster preparedness and relief;  
15 economic and industrial development; education; elections;  
16 energy; environment; ethics; family issues; fees and other  
17 nontax revenue; financial institutions; fire fighters and  
18 police; gambling; handicapped persons; health and health care;  
19 highways and roads; historic preservation and museums;  
20 hospitals; housing; human services; insurance; labor; law  
21 enforcement; lawyers; libraries; malpractice and health care  
22 providers; mental health and mental retardation; military and  
23 veterans; mines and mineral resources; minors; nursing homes;  
24 occupational regulation; oil and gas; open records and open  
25 meetings; parks and wildlife; political subdivisions; probate;  
26 product liability; property interests; public lands;  
27 purchasing; redistricting; religion; retirement systems;  
28 safety; special districts and authorities; state agencies,  
29 state boards, and commissions; state employees, state  
30 officers, and symbols; state finances; taxation; tort reform;  
31 tourism; transportation; utilities; vehicles and traffic;

1 water; weapons; women's issues; or other

2 (specify: \_\_\_\_\_).

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

8 3. For each general category of lobbying interest  
9 designated, the lobbyist shall provide a detailed written  
10 description of all specific issues lobbied within the general  
11 category.

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

18 ~~(e)(d)~~ The reporting statements shall be filed no  
19 later than 45 days after the end of each reporting period and  
20 shall include the lobbying interests information,  
21 compensation, and expenditures for the period from January 1  
22 through ~~March 31 June 30~~, April 1 through June 30, ~~and~~ July 1  
23 through September 30, and October 1 through December 31,  
24 respectively.

25 ~~(f)(e)~~ 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 |       ~~(g)~~~~(f)~~ The commission shall provide by rule a  
4 | procedure by which a lobbyist who fails to timely file a  
5 | report shall be notified and assessed fines. The rule shall  
6 | provide for the following:

7 |           1. Upon determining that the report is late, the  
8 | person designated to review the timeliness of reports shall  
9 | immediately notify the lobbyist as to the failure to timely  
10 | file the report and that a fine is being assessed for each  
11 | late day. The fine shall be \$50 per day per report for each  
12 | late day up to a maximum of \$5,000 per late report.

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

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

18 |           b. When the report is postmarked.

19 |           c. When the certificate of mailing is dated.

20 |           d. When the receipt from an established courier  
21 | company is dated.

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

27 |           4. A fine shall not be assessed against a lobbyist the  
28 | first time any reports for which the lobbyist is responsible  
29 | are not timely filed. However, to receive the one-time fine  
30 | waiver, all reports for which the lobbyist is responsible must  
31 | be filed within 30 days after the notice that any reports have

1 not been timely filed is transmitted by the Lobbyist  
2 Registration Office. A fine shall be assessed for any  
3 subsequent late-filed reports.

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

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

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

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

31



1           ~~(i)(h)~~ Each lobbyist and each principal shall preserve  
2 for a period of 4 years all accounts, bills, receipts,  
3 computer records, books, papers, e-mails, ledgers, federal tax  
4 information, and other documents and records necessary to  
5 substantiate lobbying compensation and expenditures.

6           1. Any expenditure-related documents and records  
7 retained pursuant to this subsection ~~section~~ may be inspected  
8 under reasonable circumstances by any authorized  
9 representative of the commission. The right of inspection may  
10 be enforced by appropriate writ issued by any court of  
11 competent jurisdiction.

12           2. Any compensation-related documents and records  
13 retained pursuant to this subsection may be audited by the  
14 Auditor General pursuant to s. 11.45 and may be enforced by  
15 appropriate writ issued by any court of competent  
16 jurisdiction.

17           (6) A lobbyist shall promptly send a written statement  
18 to the commission canceling the registration for a principal  
19 upon termination of the lobbyist's representation of that  
20 principal. Notwithstanding this requirement, the commission  
21 may remove the name of a lobbyist from the list of registered  
22 lobbyists if the principal notifies the office that a person  
23 is no longer authorized to represent that principal. Each  
24 lobbyist is responsible for filing an expenditure report for  
25 each period during any portion of which he or she was  
26 registered, and each principal is responsible for seeing that  
27 an expenditure report is filed for each period during any  
28 portion of which the principal was represented by a registered  
29 lobbyist.

30           (7)(a) The commission shall investigate every sworn  
31 complaint that is filed with it alleging that a person covered

1 by this section has failed to register, has failed to submit  
2 an activity ~~expenditure~~ report, or has knowingly submitted  
3 false information in any report or registration required in  
4 this section.

5 (b) All proceedings, the complaint, and other records  
6 relating to the investigation are confidential and exempt from  
7 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
8 State Constitution, and any meetings held pursuant to an  
9 investigation are exempt from the provisions of s. 286.011(1)  
10 and s. 24(b), Art. I of the State Constitution either until  
11 the alleged violator requests in writing that such  
12 investigation and associated records and meetings be made  
13 public or until the commission determines, based on the  
14 investigation, whether probable cause exists to believe that a  
15 violation has occurred.

16 (c) The commission shall investigate any person  
17 engaged, or formerly engaged, in lobbying pursuant to this  
18 section upon receipt of compensation-reporting audit  
19 information indicating a possible violation other than a  
20 late-filed report.

21 (8) If the commission finds no probable cause to  
22 believe that a violation of this section occurred, it shall  
23 dismiss the complaint, whereupon the complaint, together with  
24 a written statement of the findings of the investigation and a  
25 summary of the facts, shall become a matter of public record,  
26 and the commission shall send a copy of the complaint,  
27 findings, and summary to the complainant and the alleged  
28 violator. If, after investigating compensation-reporting audit  
29 information, the commission finds no probable cause to believe  
30 that a violation of this section occurred, a written statement  
31 of the findings of the investigation and a summary of the

1 facts shall become a matter of public record, and the  
2 commission shall send a copy of the findings and summary to  
3 the alleged violator. If the commission finds probable cause  
4 to believe that a violation occurred, it shall report the  
5 results of its investigation to the Governor and Cabinet and  
6 send a copy of the report to the alleged violator by certified  
7 mail. Such notification and all documents made or received in  
8 the disposition of the complaint or the compensation-reporting  
9 audit information shall then become public records. Upon  
10 request submitted to the Governor and Cabinet in writing, any  
11 person whom the commission finds probable cause to believe has  
12 violated any provision of this section shall be entitled to a  
13 public hearing. Such person shall be deemed to have waived the  
14 right to a public hearing if the request is not received  
15 within 14 days following the mailing of the probable cause  
16 notification. However, the Governor and Cabinet may on its own  
17 motion require a public hearing and may conduct such further  
18 investigation as it deems necessary.

19 (9) If the Governor and Cabinet finds that a violation  
20 occurred, it may reprimand the violator, censure the violator,  
21 or prohibit the violator from lobbying all agencies for a  
22 period not to exceed 2 years.

23 (10) Any person, when in doubt about the applicability  
24 and interpretation of this section to himself or herself in a  
25 particular context, may submit in writing the facts of the  
26 situation to the commission with a request for an advisory  
27 opinion to establish the standard of duty. An advisory  
28 opinion shall be rendered by the commission and, until amended  
29 or revoked, shall be binding on the conduct of the person who  
30 sought the opinion, unless material facts were omitted or  
31 misstated in the request.

1           (11) Agencies shall be diligent to ascertain whether  
2 persons required to register pursuant to this section have  
3 complied. An agency may not knowingly permit a person who is  
4 not registered pursuant to this section to lobby the agency.

5           (12) Upon discovery of violations of this section an  
6 agency or any person may file a sworn complaint with the  
7 commission.

8           (13) The commission shall adopt rules to administer  
9 this section, which shall prescribe forms for registration and  
10 expenditure reports, procedures for registration, and  
11 procedures that will prevent disclosure of information that is  
12 confidential as provided in this section.

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

16           112.3215 Lobbyists before the executive branch or the  
17 Constitution Revision Commission; registration and reporting;  
18 investigation by commission.--

19           (5)(a) A registered lobbyist must also submit to the  
20 commission, quarterly, a signed activity report summarizing  
21 all compensation provided or owed to the lobbyist and all  
22 lobbying expenditures by the lobbyist and the principal for  
23 each 3-month period during any portion of which the lobbyist  
24 is registered. All compensation provided or owed to the  
25 lobbyist and all expenditures made by the lobbyist and the  
26 principal for the purpose of lobbying must be reported.  
27 Reporting of expenditures shall be on an accrual basis. The  
28 report of such expenditures must identify whether the  
29 expenditure was made directly by the lobbyist, directly by the  
30 principal, initiated or expended by the lobbyist and paid for  
31 by the principal, or initiated or expended by the principal

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

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

1 | by that lobbyist and for compensation reported by that  
2 | lobbyist.

3 |       (c)1. Each lobbyist, including a designated lobbyist,  
4 | shall identify on the activity report all general areas of the  
5 | principal's lobbying interest which were lobbied during the  
6 | reporting period. The general areas of lobbying interest shall  
7 | be selected from the categories of abortion; aeronautics;  
8 | aging; agriculture; alcoholic beverage regulation; alcoholism  
9 | and drug abuse; aliens; amusements, games, and sports;  
10 | animals; arts and humanities; business and commerce;  
11 | cemeteries; charitable and nonprofit organizations; city  
12 | government; civil remedies and liabilities; coastal affairs  
13 | and beaches; common carriers; communications and press;  
14 | consumer protection; corporations and associations;  
15 | corrections; county government; courts; crime; criminal  
16 | procedures; day care; disaster preparedness and relief;  
17 | economic and industrial development; education; elections;  
18 | energy; environment; ethics; family issues; fees and other  
19 | nontax revenue; financial institutions; fire fighters and  
20 | police; gambling; handicapped persons; health and health care;  
21 | highways and roads; historic preservation and museums;  
22 | hospitals; housing; human services; insurance; labor; law  
23 | enforcement; lawyers; libraries; malpractice and health care  
24 | providers; mental health and mental retardation; military and  
25 | veterans; mines and mineral resources; minors; nursing homes;  
26 | occupational regulation; oil and gas; open records and open  
27 | meetings; parks and wildlife; political subdivisions; probate;  
28 | product liability; property interests; public lands;  
29 | purchasing; redistricting; religion; retirement systems;  
30 | safety; special districts and authorities; state agencies,  
31 | state boards, and commissions; state employees, state

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

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

10 3. For each general category of lobbying interest  
11 designated, the lobbyist shall provide a detailed written  
12 description of all specific issues lobbied within the general  
13 category.

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

20 (e) The reporting statements shall be filed no later  
21 than 45 days after the end of each reporting period and shall  
22 include the lobbying interests information, compensation, and  
23 expenditures for the period from January 1 through March 31,  
24 April 1 through June 30, July 1 through September 30, and  
25 October 1 through December 31, respectively. Reporting  
26 statements must be filed by electronic means as provided in s.  
27 112.32155.

28 ~~(f) Reports shall be filed not later than 5 p.m. of~~  
29 ~~the report due date. However, any report that is postmarked~~  
30 ~~by the United States Postal Service no later than midnight of~~  
31 ~~the due date shall be deemed to have been filed in a timely~~

1 ~~manner, and a certificate of mailing obtained from and dated~~  
2 ~~by the United States Postal Service at the time of the~~  
3 ~~mailing, or a receipt from an established courier company~~  
4 ~~which bears a date on or before the due date, shall be proof~~  
5 ~~of mailing in a timely manner.~~

6 ~~(f)(g)~~ The commission shall provide by rule a  
7 procedure by which a lobbyist who fails to timely file a  
8 report shall be notified and assessed fines. The rule shall  
9 provide for the following:

10 1. Upon determining that the report is late, the  
11 person designated to review the timeliness of reports shall  
12 immediately notify the lobbyist as to the failure to timely  
13 file the report and that a fine is being assessed for each  
14 late day. The fine shall be \$50 per day per report for each  
15 late day up to a maximum of \$5,000 per late report.

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

19 a. When a report is actually received by the lobbyist  
20 registration and reporting office.

21 b. When the electronic receipt issued pursuant to s.  
22 112.32155 is dated. ~~When the report is postmarked.~~

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

24 ~~d. When the receipt from an established courier~~  
25 ~~company is dated.~~

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

31



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

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

20           6. The person designated to review the timeliness of  
21 reports shall notify the commission of the failure of a  
22 lobbyist to file a report after notice or of the failure of a  
23 lobbyist to pay the fine imposed.

24           7. Notwithstanding any provision of chapter 120, any  
25 fine imposed under this subsection that is not waived by final  
26 order of the commission and that remains unpaid more than 60  
27 days after the notice of payment due or more than 60 days  
28 after the commission renders a final order on the lobbyist's  
29 appeal shall be collected by the Department of Financial  
30 Services as a claim, debt, or other obligation owed to the  
31

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

3 ~~(h) The commission shall adopt a rule which allows~~  
4 ~~reporting statements to be filed by electronic means, when~~  
5 ~~feasible.~~

6 (g)(i) Each lobbyist and each principal shall preserve  
7 for a period of 4 years all accounts, bills, receipts,  
8 computer records, books, papers, e-mails, ledgers, federal tax  
9 information, and other documents and records necessary to  
10 substantiate lobbying compensation and expenditures.

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

17 2. Any compensation-related documents and records  
18 retained pursuant to this subsection may be audited by the  
19 Auditor General pursuant to s. 11.45 and may be enforced by  
20 appropriate writ issued by any court of competent  
21 jurisdiction.

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

24 112.32155 Electronic filing of lobbying-activity  
25 reports.--

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

30 (2) Each lobbyist who is required to file reports with  
31 the Commission on Ethics pursuant to s. 112.3215 must file

1 such reports with the commission by means of the electronic  
2 filing system.

3 (3) A report filed pursuant to this section must be  
4 completed and filed through the electronic filing system not  
5 later than 11:59 p.m. of the day designated in s. 112.3215. A  
6 report not filed by 11:59 p.m. of the day designated is a  
7 late-filed report and is subject to the penalties under s.  
8 112.3215(5).

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

17 (5) The electronic filing system must:

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

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

21 (c) Provide for direct entry of activity-report  
22 information as well as upload of such information from  
23 software authorized by the commission.

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

26 (6) The commission shall provide by rule procedures to  
27 administer this section, including, but not limited to:

28 (a) Alternate filing procedures in case the electronic  
29 filing system is not operable.

30  
31

1           (b) The issuance of an electronic receipt to the  
2 person submitting the report indicating and verifying the date  
3 and time that the report was filed.

4           (7) The commission shall make all the data filed  
5 available on the Internet in an easily understood and  
6 accessible format. In addition, the commission shall include  
7 each principal's current industry group classification  
8 pursuant to s. 112.3215(3).

9           Section 9. The first activity reports subject to the  
10 amended reporting requirements in this act must be filed by  
11 May 15, 2006, and encompass the reporting period from January  
12 1, 2006, through March 31, 2006.

13           Section 10. Except as otherwise expressly provided in  
14 this act, this act shall take effect January 1, 2006.

15  
16                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17   COMMITTEE SUBSTITUTE FOR  
18   SB 2646

19 In addition to making several technical and clarifying  
20 changes, the committee substitute principally extends the  
21 scope of the original bill to include both legislative and  
22 executive branch lobbying, the original bill addresses  
23 exclusively legislative lobbying. The committee substitute  
24 takes the proposed changes in the original bill for  
25 legislative lobbying and creates similar, and in many cases  
26 parallel, requirements in the executive lobbying context  
27 (i.e., quarterly activity report filing, detailed individual  
28 expenditure reporting, compensation reporting, creating an  
29 electronic reporting system for filing executive lobbying  
30 quarterly activity reports). There remain some differences  
31 between the two lobbying systems even as amended, differences  
that relate primarily to jurisdiction. With regard to  
enforcement, the Auditor General forwards all final audit  
reports on lobbying compensation reporting to the Ethics  
Commission for executive lobbyists, and to the Legislature for  
legislative lobbyists.