

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
6 terms "compensation" and "lobbying firm";
7 amending definitions for the terms "lobbying"
8 and "principal"; requiring each principal upon
9 the registration of the principal's designated
10 lobbyist to identify the principal's main
11 business; requiring each lobbying firm and
12 principal to maintain certain records and
13 documents for a specified period; specifying
14 judicial jurisdiction for enforcing the right
15 to inspect certain documents and records;
16 conditionally prohibiting convicted felons from
17 registering as a legislative lobbyist;
18 modifying the aggregate reporting categories on
19 lobbying expenditure reporting forms; requiring
20 lobbying expenditure reporting forms to include
21 the name and address of each person to whom an
22 expenditure for food and beverages was made,
23 date of the expenditure, and the name and title
24 of the legislator or employee for whom the
25 expenditure was made; requiring each lobbyist
26 to report the general areas of the principal's
27 legislative interest and specific issues
28 lobbied; requiring each lobbying firm to file
29 quarterly compensation reports; requiring each
30 lobbying firm to report certain compensation
31 information in dollar categories and specific

1 | dollar amounts; requiring certain lobbying
2 | firms to report the name and address of the
3 | principal originating lobbying work; providing
4 | for certification of compensation reports;
5 | requiring the Division of Legislative
6 | Information Services to aggregate certain
7 | compensation information; revising the period
8 | for filing compensation and expenditure
9 | reporting statements; prescribing procedures
10 | for determining late-filing fines for
11 | compensation reports; prescribing fines and
12 | penalties for compensation-reporting
13 | violations; providing exceptions; prohibiting
14 | lobbying expenditures, except for certain food
15 | and beverages and novelty items; prohibiting
16 | principals from providing lobbying compensation
17 | to any individual or business entity other than
18 | a lobbying firm; providing for the Legislature
19 | to adopt rules to maintain and make publicly
20 | available all advisory opinions and reports
21 | relating to lobbying firms, to conform;
22 | providing for the Legislature to adopt rules
23 | authorizing legislative committees to
24 | investigate certain person and entities engaged
25 | in legislative lobbying; requiring compensation
26 | and expenditure reports to be filed
27 | electronically; creating s. 11.0455, F.S.;
28 | defining the term "electronic filing system";
29 | providing requirements for lobbyists and
30 | lobbying firms filing reports with the Division
31 | of Legislative Information Services by means of

1 the division's electronic filing system;
2 providing that such reports are considered to
3 be certified as accurate and complete;
4 providing requirements for the electronic
5 filing system; providing for the Legislature to
6 adopt rules to administer the electronic filing
7 system; requiring alternate filing procedures;
8 requiring the issuance of electronic receipts;
9 requiring that the division provide for public
10 access to certain data; amending s. 11.45,
11 F.S.; requiring that the Auditor General
12 conduct random audits of the compensation
13 reports filed by legislative and executive
14 lobbyists; prescribing conditions for the
15 random selection; directing the Auditor General
16 to adopt audit and field investigation
17 guidelines; granting the Auditor General
18 independent authority to audit the accounts and
19 records of any principal or lobbyist with
20 respect to compliance with the
21 compensation-reporting requirements; requiring
22 that legislative lobbying audit reports be
23 forwarded to the Legislature and executive
24 lobbying audit reports be sent to the Florida
25 Commission on Ethics; amending s. 112.3215,
26 F.S., relating to the requirements that
27 executive branch and Constitution Revision
28 Commission lobbyists register and report as
29 required; defining the terms "compensation" and
30 "lobbying firm"; amending definitions for the
31 terms "lobbies" and "principal"; conditionally

1 prohibiting convicted felons from registering
2 as an executive branch lobbyist; requiring each
3 principal upon the registration of the
4 principal's designated lobbyist to identify the
5 principal's main business; modifying the
6 aggregate reporting categories on lobbying
7 expenditure reporting forms; requiring lobbying
8 expenditure reporting forms to include the name
9 and address of each person to whom an
10 expenditure for food and beverages was made,
11 date of the expenditure, and the name and title
12 of the agency official, member, or employee for
13 whom the expenditure was made; requiring each
14 lobbyist to report the general areas of the
15 principal's lobbying interest and specific
16 issues lobbied; requiring each lobbying firm to
17 file quarterly compensation reports; requiring
18 each lobbying firm to report certain
19 compensation information in dollar categories
20 and specific dollar amounts; requiring certain
21 lobbying firms to report the name and address
22 of the principal originating lobbying work;
23 providing for certification of compensation
24 reports; requiring the Florida Commission on
25 Ethics to aggregate certain compensation
26 information; revising the period for filing
27 compensation and expenditure reporting
28 statements; authorizing the commission to adopt
29 procedural rules for determining late-filing
30 fines for compensation reports; prescribing
31 fines and penalties for compensation-reporting

1 | violations; providing exceptions; requiring
2 | each lobbying firm and principal to maintain
3 | certain records and documents for a specified
4 | period; specifying judicial jurisdiction for
5 | enforcing the right of inspection; prohibiting
6 | lobbying expenditures, except for certain food
7 | and beverages and novelty items; prohibiting
8 | principals from providing lobbying compensation
9 | to any individual or business entity other than
10 | a lobbying firm; providing for the commission
11 | to investigate certain lobbying firms for
12 | compensation-reporting violations; providing
13 | procedures for disposing of
14 | compensation-reporting investigations and
15 | proceedings; providing penalties; providing for
16 | public access to certain records; authorizing
17 | the commission to adopt administration rules
18 | and forms relating to compensation reporting;
19 | requiring compensation and expenditure reports
20 | to be filed electronically; creating s.
21 | 112.32155, F.S.; defining the term "electronic
22 | filing system"; providing requirements for
23 | lobbyists and lobbying firms filing reports
24 | with the Florida Commission on Ethics by means
25 | of the electronic filing system; providing that
26 | such reports are considered to be certified as
27 | accurate and complete; providing requirements
28 | for the electronic filing system; providing for
29 | the commission to adopt rules to administer the
30 | electronic filing system; requiring alternate
31 | filing procedures; requiring the issuance of

1 | electronic receipts; requiring that the
2 | commission provide for public access to certain
3 | data; specifying the initial reporting period
4 | that is subject to the requirements of the act;
5 | providing an effective date.

6 |
7 | WHEREAS, restoring the public's trust in government is
8 | a top priority of the Florida Legislature, and

9 | WHEREAS, it is a fundamental right for people to
10 | redress their government for grievances, and,

11 | WHEREAS, in many cases, lobbyists assist people in the
12 | exercise of this fundamental right, and,

13 | WHEREAS, lobbyists can add value to the system by
14 | introducing informed perspectives and alternative points of
15 | view, and,

16 | WHEREAS, despite the value added by such lobbyists, the
17 | public's confidence has been shaken by a perceived culture of
18 | improper influence promulgated in Tallahassee and elsewhere in
19 | the State by lobbyists representing powerful special
20 | interests, and,

21 | WHEREAS, that public perception is grounded in lobbyist
22 | advocacy that is cloaked in secrecy and conducted out of the
23 | sunshine, and,

24 | WHEREAS, Floridians have a right to know what the
25 | Legislature and executive agencies are doing and with whom, so
26 | that they can gauge the influence and the role of special
27 | interests in the development and implementation of public
28 | policy, and,

29 | WHEREAS, the Florida Legislature believes that fuller,
30 | fairer, and more open disclosure will help restore the public
31 | trust in government,

1 WHEREAS, the Florida Legislature has fashioned a
 2 narrowly-tailored system for furthering the State's compelling
 3 governmental interest in regulating lobbying before the
 4 Florida Legislature and administrative agencies, employing the
 5 least intrusive means available, NOW, THEREFORE,

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Section 11.045, Florida Statutes, is
 10 amended to read:

11 11.045 Lobbyists; registration and reporting;
 12 exemptions; penalties.--

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

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

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

22 **(c)(b)** "Division" means the Division of Legislative
 23 Information Services within the Office of Legislative
 24 Services.

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

28 **(e)(d)** "Legislative action" means introduction,
 29 sponsorship, testimony, debate, voting, or any other official
 30 action on any measure, resolution, amendment, nomination,
 31 appointment, or report of, or any matter which may be the

1 subject of action by, either house of the Legislature or any
2 committee thereof.

3 ~~(f)(e)~~ "Lobbying" means influencing or attempting to
4 influence legislative action or nonaction through oral or
5 written communication or an attempt to obtain the goodwill of
6 a member or employee of the Legislature. Food and beverages
7 paid for or provided, directly or indirectly, by a lobbyist or
8 principal to, or for the benefit of, a member or employee of
9 the Legislature is deemed an attempt to obtain the goodwill of
10 the member or employee unless the lobbyist or principal is the
11 member's or employee's parent, spouse, child, or sibling.

12 (g) "Lobbying firm" means any business entity,
13 including an individual contract lobbyist, that receives or
14 becomes entitled to receive any compensation for the purpose
15 of lobbying, where any partner, owner, officer, or employee of
16 the business entity is a lobbyist.

17 ~~(h)(f)~~ "Lobbyist" means a person who is employed and
18 receives payment, or who contracts for economic consideration,
19 for the purpose of lobbying, or a person who is principally
20 employed for governmental affairs by another person or
21 governmental entity to lobby on behalf of that other person or
22 governmental entity.

23 ~~(i)(g)~~ "Principal" means the person, firm,
24 corporation, or other entity which has employed or retained a
25 lobbyist, including a lobbying firm that subcontracts work.

26 (2) Each house of the Legislature shall provide by
27 rule, or may provide by a joint rule adopted by both houses,
28 for the registration of lobbyists who lobby the Legislature.
29 The rule may provide for the payment of a registration fee.
30 The rule may provide for exemptions from registration or
31 registration fees. The rule shall provide that:

1 (a) Registration is required for each principal
2 represented.

3 (b) Registration shall include a statement signed by
4 the principal or principal's representative that the
5 registrant is authorized to represent the principal. The
6 principal shall also designate the most recent North American
7 Industry Classification System numerical code and
8 corresponding index entry that most accurately describes the
9 principal's main business on the statement authorizing the
10 principal's designated lobbyist.

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

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

21 (e)1. Each lobbyist and each principal shall preserve
22 for a period of 4 years all accounts, bills, receipts,
23 computer records, books, papers, and other documents and
24 records necessary to substantiate lobbying expenditures. Any
25 documents and records retained pursuant to this section may be
26 inspected under reasonable circumstances by any authorized
27 representative of the Legislature. The right of inspection may
28 be enforced in circuit court ~~by appropriate writ issued by any~~
29 ~~court of competent jurisdiction.~~

30 2. Each lobbying firm and each principal shall
31 preserve for a period of 4 years all accounts, bills,

1 receipts, computer records, books, papers, and other documents
2 and records necessary to substantiate compensation. Any
3 documents and records retained pursuant to this section may be
4 subpoenaed for audit by the Auditor General pursuant to s.
5 11.45 and such subpoena may be enforced in circuit court.

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

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

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

11 1. Has been released from incarceration and any
12 postconviction supervision, and has paid all court costs and
13 court-ordered restitution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 b. Total compensation provided or owed to the lobbying
4 firm for the reporting period, reported in one of the
5 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
6 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
7 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
8 \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000
9 or more" is selected, the specific dollar amount of
10 compensation must be reported, rounded up or down to the
11 nearest \$1,000;

12 c. Cumulative year-to-date compensation provided or
13 owed to the lobbying firm, reported in one of the following
14 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
15 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or
16 more; and,

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

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

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

1 calendar-year compensation reported as provided or owed by the
2 principal.

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

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

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

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

29 1. Upon determining that the report is late, the
30 person designated to review the timeliness of reports shall
31 immediately notify the lobbying firm or lobbyist as to the

1 failure to timely file the report and that a fine is being
2 assessed for each late day. The fine shall be \$50 per day per
3 report for each late day, not to exceed \$5,000 per report.

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

7 a. When a report is actually received by the lobbyist
8 registration and reporting office.

9 b. When the report is postmarked.

10 c. When the certificate of mailing is dated.

11 d. When the receipt from an established courier
12 company is dated.

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

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

27 5. Any lobbying firm or lobbyist may appeal or dispute
28 a fine, based upon unusual circumstances surrounding the
29 failure to file on the designated due date, and may request
30 and shall be entitled to a hearing before the General Counsel
31 of the Office of Legislative Services, who shall recommend to

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

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

25 7. The registration of a lobbyist who fails to timely
26 pay a fine is automatically suspended until the fine is paid
27 or waived. All lobbyist registrations for lobbyists who are
28 partners, owners, officers, or employees of a lobbying firm
29 that fails to timely pay a fine are automatically suspended
30 until the fine is paid or waived; the division shall promptly
31

1 notify all affected principals of any suspension or
2 reinstatement.

3 ~~8.7.~~ The person designated to review the timeliness of
4 reports shall notify the director of the division of the
5 failure of a lobbying firm or lobbyist to file a report after
6 notice or of the failure of a lobbying firm or lobbyist to pay
7 the fine imposed.

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

13 1. Food and beverages:

14 a. Consumed at a single sitting or meal;

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

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

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

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

31

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

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

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

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

17 (b) The committee shall make sufficient deletions to
 18 prevent disclosing the identity of persons in the decisions or
 19 opinions.

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

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

30 ~~(7)(6)~~ Each house of the Legislature shall provide by
 31 rule that the committee of either house ~~shall~~ investigate any

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

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

1 ~~(9)~~(8) There is hereby created the Legislative
2 Lobbyist Registration Trust Fund, to be used for the purpose
3 of funding any office established for the administration of
4 the registration of lobbyist lobbying the Legislature,
5 including the payment of salaries and other expenses, and for
6 the purpose of paying the expenses incurred by the Legislature
7 in providing services to lobbyists. The trust fund is not
8 subject to the service charge to general revenue provisions of
9 chapter 215. Fees collected pursuant to rules established in
10 accordance with subsection (2) shall be deposited into the
11 Legislative Lobbyist Registration Trust Fund.

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

14 11.045 Lobbyists; registration and reporting;
15 exemptions; penalties.--

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

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

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

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

1 of which the principal was represented by a registered
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 legislative interest that were lobbied during the
6 reporting period.

7 2. For each general area of legislative interest
8 designated, the lobbyist shall provide a detailed written
9 description of all specific issues lobbied within the general
10 area.

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

16 a. Full name, business address, and telephone number
17 of the lobbying firm;
18 b. Name of each of the firm's lobbyists; and,
19 c. Total compensation provided or owed to the lobbying
20 firm from all principals for the reporting period, reported in
21 one of the following categories: \$0; less than \$10,000;
22 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
23 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
24 more.

25 2. For each principal represented by one or more of
26 the firm's lobbyists, the compensation report shall also
27 include the:

28 a. Full name, business address, and telephone number
29 of the principal;
30 b. Total compensation provided or owed to the lobbying
31 firm for the reporting period, reported in one of the

1 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
2 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
3 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
4 \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000
5 or more" is selected, the specific dollar amount of
6 compensation must be reported, rounded up or down to the
7 nearest \$1,000;

8 c. Cumulative year-to-date compensation provided or
9 owed to the lobbying firm, reported in one of the following
10 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
11 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or
12 more; and

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

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

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

30 (f) The compensation and expenditure reporting
31 statements shall be filed no later than 45 days after the end

1 of each reporting period. The four reporting periods are from
2 January 1 through March 31, April 1 through June 30, July 1
3 through September 30, and October 1 through December 31,
4 respectively. The statements shall be rendered in the
5 identical form provided by the respective houses and shall be
6 open to public inspection. Reporting statements must ~~may~~ be
7 filed by electronic means as provided in s. 11.0455, ~~when~~
8 ~~feasible~~.

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

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

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

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

1 a. When a report is actually received by the lobbyist
2 registration and reporting office.

3 b. When the electronic receipt issued pursuant to s.
4 11.0455 is dated. ~~When the report is postmarked.~~

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

6 ~~d. When the receipt from an established courier~~
7 ~~company is dated.~~

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

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

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

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

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

19 7. The registration of a lobbyist who fails to timely
20 pay a fine is automatically suspended until the fine is paid
21 or waived. All lobbyist registrations for lobbyists who are
22 partners, owners, officers, or employees of a lobbying firm
23 that fails to timely pay a fine are automatically suspended
24 until the fine is paid or waived.

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

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

1 11.0455 Electronic filing of compensation and
2 expenditure reports.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 11.45 Definitions; duties; authorities; reports;
27 rules.--

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

29 (a) Conduct audits of records and perform related
30 duties as prescribed by law, concurrent resolution of the
31

1 | Legislature, or as directed by the Legislative Auditing
2 | Committee.

3 | (b) Annually conduct a financial audit of state
4 | government.

5 | (c) Annually conduct financial audits of all
6 | universities and district boards of trustees of community
7 | colleges.

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

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

14 | (f) Annually conduct audits of the accounts and
15 | records of the Florida School for the Deaf and the Blind.

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

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

1 audits. The local government financial reporting system should
2 provide for the timely, accurate, uniform, and cost-effective
3 accumulation of financial and other information that can be
4 used by the members of the Legislature and other appropriate
5 officials to accomplish the following goals:

6 1. Enhance citizen participation in local government;
7 2. Improve the financial condition of local
8 governments;

9 3. Provide essential government services in an
10 efficient and effective manner; and

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

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

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

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

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

1 addressing the findings and recommendations contained within
2 the Auditor General's previous report. The Auditor General
3 shall provide a copy of his or her determination to each
4 member of the audited entity's governing body and to the
5 Legislative Auditing Committee.

6 (m) Annually conduct audits of all quarterly
7 compensation reports for the previous calendar year filed
8 pursuant to s. 11.045 and s. 11.0455, or s. 112.3215 and s.
9 112.32155, respectively, for a random sample of 3 percent of
10 all legislative lobbying firms and 3 percent of all executive
11 branch lobbying firms.

12 1. The audit shall be limited to determining
13 compliance with the lobbying compensation reporting
14 requirements of s. 11.045 or s. 112.3215, whichever is
15 applicable, except that the audit scope may not include the
16 timeliness of the filing.

17 2. The random selection of lobbying firms to be
18 audited shall be done in a manner pursuant to which the
19 identity of any particular lobbying firm selected for audit is
20 unknown to the Auditor General or the Auditor General's staff
21 prior to selection.

22 3. The Auditor General shall adopt guidelines which
23 govern random audits and field investigations conducted
24 pursuant to this paragraph. The guidelines shall ensure that
25 similarly situated compensation reports are audited in a
26 uniform manner. The guidelines shall also be formulated to
27 accomplish the following purposes:

28 a. The audits should encourage compliance and detect
29 violations of the legislative and executive lobbying
30 compensation reporting requirements in s. 11.045 and s.
31 112.3215;

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

3 c. The audits should be as unobtrusive as possible
4 consistent with the foregoing purposes.

5
6 In adopting the guidelines, the Auditor General shall consider
7 relevant guidelines and standards of the American Institute of
8 Certified Public Accountants to the extent such guidelines and
9 standards are applicable and consistent with the purposes set
10 forth in this subparagraph.

11 4. The Auditor General shall forward all legislative
12 lobbying final audit reports to the legislative committees
13 designated in s. 11.045, and shall forward all executive
14 lobbying final audit reports to the Florida Commission on
15 Ethics.

16
17 The Auditor General shall perform his or her duties
18 independently but under the general policies established by
19 the Legislative Auditing Committee. This subsection does not
20 limit the Auditor General's discretionary authority to conduct
21 other audits or engagements of governmental entities as
22 authorized in subsection (3).

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

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

27 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--The
28 Auditor General may, pursuant to his or her own authority, or
29 at the direction of the Legislative Auditing Committee,
30 conduct audits or other engagements as determined appropriate
31 by the Auditor General of:

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

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

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

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

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

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

23 (g) The Tobacco Settlement Financing Corporation
24 created pursuant to s. 215.56005.

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

27 (i) Enterprise Florida, Inc., including any of its
28 boards, advisory committees, or similar groups created by
29 Enterprise Florida, Inc., and programs. The audit report may
30 not reveal the identity of any person who has anonymously made
31 a donation to Enterprise Florida, Inc., pursuant to this

1 paragraph. The identity of a donor or prospective donor to
2 Enterprise Florida, Inc., who desires to remain anonymous and
3 all information identifying such donor or prospective donor
4 are confidential and exempt from the provisions of s.
5 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
6 anonymity shall be maintained in the auditor's report.

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

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

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

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

29 (n) The acquisitions and divestitures related to the
30 Florida Communities Trust Program created pursuant to chapter
31 380.

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

3 (p) The Florida Partnership for School Readiness
4 created pursuant to s. 411.01.

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

7 (r) Workforce Florida, Inc., or the programs or
8 entities created by Workforce Florida, Inc., created pursuant
9 to s. 445.004.

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

16 (t) The Florida Engineers Management Corporation
17 created pursuant to chapter 471.

18 (u) The Investment Fraud Restoration Financing
19 Corporation created pursuant to chapter 517.

20 (v) The books and records of any permitholder that
21 conducts race meetings or jai alai exhibitions under chapter
22 550.

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

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

27 ~~(y) The accounts and records of any principal,~~
28 lobbying firm, or lobbyist relating to compliance with the
29 compensation-reporting provisions of s. 11.045 or s. 112.3215,
30 whichever is applicable, except that the audit scope may not
31 include the timeliness of the filing. Any audit conducted

1 pursuant to this paragraph shall be done in accordance with
 2 the guidelines for random audits established pursuant to
 3 subparagraph (2)(m)4. The Auditor General shall forward all
 4 legislative lobbying final audit reports to the legislative
 5 committees designated in s. 11.045, and shall forward all
 6 executive and Constitution Revision Commission lobbying final
 7 audit reports to the Florida Commission on Ethics.

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

10 112.3215 Lobbying ~~Lobbyists~~ before the executive
 11 branch or the Constitution Revision Commission; registration
 12 and reporting; 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 lobbying firm,
 22 directly or indirectly, by a principal.

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

28 (e)1.(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 2. Food and beverages paid for or provided, directly
7 or indirectly, by a lobbyist or principal to, or for the
8 benefit of, an agency official or employee or a member or
9 employee of the Constitution Revision Commission is deemed an
10 attempt to obtain such person's goodwill unless the lobbyist
11 or principal is the person's parent, spouse, child, or
12 sibling.

13 (f) "Lobbying firm" means a business entity, including
14 an individual contract lobbyist, that receives or becomes
15 entitled to receive any compensation for the purpose of
16 lobbying, where any partner, owner, officer, or employee of
17 the business entity is a lobbyist.

18 (g)(e) "Lobbyist" means a person who is employed and
19 receives payment, or who contracts for economic consideration,
20 for the purpose of lobbying, or a person who is principally
21 employed for governmental affairs by another person or
22 governmental entity to lobby on behalf of that other person or
23 governmental entity. "Lobbyist" does not include a person who
24 is:

25 1. An attorney, or any person, who represents a client
26 in a judicial proceeding or in a formal administrative
27 proceeding conducted pursuant to chapter 120 or any other
28 formal hearing before an agency, board, commission, or
29 authority of this state.

30
31

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

4 3. A confidential informant who is providing, or
5 wishes to provide, confidential information to be used for law
6 enforcement purposes.

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

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

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

21 (3) A person may not lobby an agency until such person
22 has registered as a lobbyist with the commission. Such
23 registration shall be due upon initially being retained to
24 lobby and is renewable on a calendar year basis thereafter. No
25 person convicted of a felony shall register as a lobbyist
26 pursuant to this subsection, until the person: has been
27 released from incarceration and any postconviction
28 supervision, and has paid all court costs and court-ordered
29 restitution; has had his or her civil rights restored; and,
30 has been authorized by majority vote of the Governor and
31 Cabinet to register as a lobbyist. Upon registration the

1 person shall provide a statement signed by the principal or
2 principal's representative that the registrant is authorized
3 to represent the principal. The principal shall also designate
4 the most recent North American Industry Classification System
5 numerical code and corresponding index entry that most
6 accurately describes the principal's main business on the
7 statement authorizing the principal's designated lobbyist. The
8 registration shall require each ~~the~~ lobbyist to disclose,
9 under oath, the following information:

10 (a) Name and business address;

11 (b) The name and business address of each principal
12 represented;

13 (c) His or her area of interest;

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

15 and

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

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

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

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

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

1 designated lobbyist as lobbying expenditures made directly by
2 the principal. The designated lobbyist is responsible for the
3 accuracy of the figures reported as lobbying expenditures made
4 by that lobbyist.

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

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

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

18 a. Full name, business address, and telephone number
19 of the lobbying firm;

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

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

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

30 a. Full name, business address, and telephone number
31 of the principal;

1 b. Total compensation provided or owed to the lobbying
2 firm for the reporting period, reported in one of the
3 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
4 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
5 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
6 \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000
7 or more" is selected, the specific dollar amount of
8 compensation must be reported, rounded up or down to the
9 nearest \$1,000;

10 c. Cumulative year-to-date compensation provided or
11 owed to the lobbying firm, reported in one of the following
12 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
13 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or
14 more; and,

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

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

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

31

1 ~~(f)(d)~~ The compensation and expenditure reporting
2 statements shall be filed no later than 45 days after the end
3 of each reporting period. ~~and shall include the expenditures~~
4 ~~for the period~~ The four reporting periods are from January 1
5 through March 31 ~~June 30~~, April 1 through June 30, ~~and~~ July 1
6 through September 30, and October 1 through December 31,
7 respectively.

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

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

21 1. Upon determining that the report is late, the
22 person designated to review the timeliness of reports shall
23 immediately notify the lobbying firm or lobbyist as to the
24 failure to timely file the report and that a fine is being
25 assessed for each late day. The fine shall be \$50 per day per
26 report for each late day up to a maximum of \$5,000 per late
27 report.

28 2. Upon receipt of the report, the person designated
29 to review the timeliness of reports shall determine the amount
30 of the fine due based upon the earliest of the following:
31

1 a. When a report is actually received by the lobbyist
2 registration and reporting office.

3 b. When the report is postmarked.

4 c. When the certificate of mailing is dated.

5 d. When the receipt from an established courier
6 company is dated.

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

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

21 5. Any lobbying firm or lobbyist may appeal or dispute
22 a fine, based upon unusual circumstances surrounding the
23 failure to file on the designated due date, and may request
24 and shall be entitled to a hearing before the commission,
25 which shall have the authority to waive the fine in whole or
26 in part for good cause shown. Any such request shall be made
27 within 30 days after the notice of payment due is transmitted
28 by the Lobbyist Registration Office. In such case, the
29 lobbying firm or lobbyist shall, within the 30-day period,
30 notify the person designated to review the timeliness of
31

1 reports in writing of his or her intention to bring the matter
2 before the commission.

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

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

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

21 ~~(j)1.(h)~~ Each lobbyist and each principal shall
22 preserve for a period of 4 years all accounts, bills,
23 receipts, computer records, books, papers, and other documents
24 and records necessary to substantiate lobbying expenditures.
25 Any documents and records retained pursuant to this section
26 may be inspected under reasonable circumstances by any
27 authorized representative of the commission. The right of
28 inspection may be enforced in circuit court ~~by appropriate~~
29 ~~writ issued by any court of competent jurisdiction.~~

30 2. Each lobbying firm and each principal shall
31 preserve for a period of 4 years all accounts, bills,

1 receipts, computer records, books, papers, and other documents
2 and records necessary to substantiate compensation. Any
3 documents and records retained pursuant to this section may be
4 subpoenaed for audit by the Auditor General pursuant to s.
5 11.45 and such subpoena may be enforced in circuit court.

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

11 1. Food and beverages:

12 a. Consumed at a single sitting or meal;

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

15 c. Where the actual value attributable to officials,
16 members, and employees of the agency or commission is
17 determinable;

18 d. Provided that the actual gross value attributable
19 to an agency official, member, or employee from all lobbyists
20 and principals paying for the food and beverages, including
21 any value attributable pursuant to paragraph (b), does not
22 exceed \$100.

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

26 (c) No principal shall provide compensation for
27 lobbying to any individual or business entity that is not a
28 lobbying firm.

29 (7)(6) A lobbyist shall promptly send a written
30 statement to the commission canceling the registration for a
31 principal upon termination of the lobbyist's representation of

1 that principal. Notwithstanding this requirement, the
2 commission may remove the name of a lobbyist from the list of
3 registered lobbyists if the principal notifies the office that
4 a person is no longer authorized to represent that principal.
5 Each lobbyist is responsible for filing an expenditure report
6 for each period during any portion of which he or she was
7 registered, and each principal is responsible for seeing that
8 an expenditure report is filed for each period during any
9 portion of which the principal was represented by a registered
10 lobbyist.

11 ~~(8)(a)(7)~~ The commission shall investigate every sworn
12 complaint that is filed with it alleging that a person covered
13 by this section has failed to register, has failed to submit a
14 compensation or an expenditure report, or has knowingly
15 submitted false information in any report or registration
16 required in this section.

17 (b) All proceedings, the complaint, and other records
18 relating to the investigation are confidential and exempt from
19 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
20 State Constitution, and any meetings held pursuant to an
21 investigation are exempt from the provisions of s. 286.011(1)
22 and s. 24(b), Art. I of the State Constitution either until
23 the alleged violator requests in writing that such
24 investigation and associated records and meetings be made
25 public or until the commission determines, based on the
26 investigation, whether probable cause exists to believe that a
27 violation has occurred.

28 (c) The commission shall investigate any lobbying firm
29 upon receipt of compensation-reporting audit information
30 indicating a possible violation other than a late-filed
31 report.

1 ~~(9)(8)~~ If the commission finds no probable cause to
2 believe that a violation of this section occurred, it shall
3 dismiss the complaint, whereupon the complaint, together with
4 a written statement of the findings of the investigation and a
5 summary of the facts, shall become a matter of public record,
6 and the commission shall send a copy of the complaint,
7 findings, and summary to the complainant and the alleged
8 violator. If, after investigating compensation-reporting
9 audit information, the commission finds no probable cause to
10 believe that a violation of this section occurred, a written
11 statement of the findings of the investigation and a summary
12 of the facts shall become a matter of public record, and the
13 commission shall send a copy of the findings and summary to
14 the alleged violator. If the commission finds probable cause
15 to believe that a violation occurred, it shall report the
16 results of its investigation to the Governor and Cabinet and
17 send a copy of the report to the alleged violator by certified
18 mail. Such notification and all documents made or received in
19 the disposition of the complaint or the compensation-reporting
20 audit information shall then become public records. Upon
21 request submitted to the Governor and Cabinet in writing, any
22 person whom the commission finds probable cause to believe has
23 violated any provision of this section shall be entitled to a
24 public hearing. Such person shall be deemed to have waived the
25 right to a public hearing if the request is not received
26 within 14 days following the mailing of the probable cause
27 notification. However, the Governor and Cabinet may on its own
28 motion require a public hearing and may conduct such further
29 investigation as it deems necessary.

30 ~~(10)(9)~~ If the Governor and Cabinet finds that a
31 violation occurred, it may reprimand the violator, censure the

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

6 ~~(11)(10)~~ Any person, when in doubt about the
7 applicability and interpretation of this section to himself or
8 herself in a particular context, may submit in writing the
9 facts of the situation to the commission with a request for an
10 advisory opinion to establish the standard of duty. An
11 advisory opinion shall be rendered by the commission and,
12 until amended or revoked, shall be binding on the conduct of
13 the person who sought the opinion, unless material facts were
14 omitted or misstated in the request.

15 ~~(12)(11)~~ Agencies shall be diligent to ascertain
16 whether persons required to register pursuant to this section
17 have complied. An agency may not knowingly permit a person
18 who is not registered pursuant to this section to lobby the
19 agency.

20 ~~(13)(12)~~ Upon discovery of violations of this section
21 an agency or any person may file a sworn complaint with the
22 commission.

23 ~~(14)(13)~~ The commission shall adopt rules to
24 administer this section, which shall prescribe forms for
25 registration, compensation, and expenditure reports,
26 procedures for registration, and procedures that will prevent
27 disclosure of information that is confidential as provided in
28 this section.

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

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

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

30 (b) A principal who is represented by two or more
31 lobbyists shall designate one lobbyist whose expenditure

1 report shall include all lobbying expenditures made directly
2 by the principal and those expenditures of the designated
3 lobbyist on behalf of that principal as required by paragraph
4 (a). All other lobbyists registered to represent that
5 principal shall file a report pursuant to paragraph (a). The
6 report of lobbying expenditures by the principal shall be made
7 pursuant to the requirements of paragraph (a). The principal
8 is responsible for the accuracy of figures reported by the
9 designated lobbyist as lobbying expenditures made directly by
10 the principal. The designated lobbyist is responsible for the
11 accuracy of the figures reported as lobbying expenditures made
12 by that lobbyist.

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

17 2. For each general area of legislative interest
18 designated, the lobbyist shall provide a detailed written
19 description of all specific issues lobbied within the general
20 area.

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

- 26 a. Full name, business address, and telephone number
27 of the lobbying firm;
- 28 b. Name of each of the firm's lobbyists; and,
- 29 c. Total compensation provided or owed to the lobbying
30 firm from all principals for the reporting period, reported in
31 one of the following categories: \$0; less than \$10,000;

1 \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999;
2 \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or
3 more.

4 2. For each principal represented by one or more of
5 the firm's lobbyists, the compensation report shall also
6 include the:

7 a. Full name, business address, and telephone number
8 of the principal;

9 b. Total compensation provided or owed to the lobbying
10 firm for the reporting period, reported in one of the
11 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
12 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
13 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
14 \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000
15 or more" is selected, the specific dollar amount of
16 compensation must be reported, rounded up or down to the
17 nearest \$1,000;

18 c. Cumulative year-to-date compensation provided or
19 owed to the lobbying firm, reported in one of the following
20 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
21 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or
22 more; and

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

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

30 (e) For each reporting period the commission shall
31 aggregate the expenditures of all lobbyists for a principal

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

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

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

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

28 1. Upon determining that the report is late, the
29 person designated to review the timeliness of reports shall
30 immediately notify the lobbying firm or lobbyist as to the
31 failure to timely file the report and that a fine is being

1 assessed for each late day. The fine shall be \$50 per day per
2 report for each late day up to a maximum of \$5,000 per late
3 report.

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

7 a. When a report is actually received by the lobbyist
8 registration and reporting office.

9 b. When the electronic receipt issued pursuant to s.
10 112.32155 is dated. When the report is postmarked.

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

12 ~~d. When the receipt from an established courier~~
13 ~~company is dated.~~

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

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

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

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

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

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

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

27 | (h)1.(j) Each lobbyist and each principal shall
28 | preserve for a period of 4 years all accounts, bills,
29 | receipts, computer records, books, papers, and other documents
30 | and records necessary to substantiate lobbying expenditures.
31 | Any documents and records retained pursuant to this section

1 may be inspected under reasonable circumstances by any
2 authorized representative of the commission. The right of
3 inspection may be enforced in circuit court.

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

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

13 112.32155 Electronic filing of compensation and
14 expenditure reports.--

15 (1) As used in this section, the term "electronic
16 filing system" means an Internet system for recording and
17 reporting lobbying compensation, expenditures, and other
18 required information by reporting period.

19 (2) Each lobbying firm or lobbyist who is required to
20 file reports with the Commission on Ethics pursuant to s.
21 112.3215 must file such reports with the commission by means
22 of the electronic filing system.

23 (3) A report filed pursuant to this section must be
24 completed and filed through the electronic filing system not
25 later than 11:59 p.m. of the day designated in s. 112.3215. A
26 report not filed by 11:59 p.m. of the day designated is a
27 late-filed report and is subject to the penalties under s.
28 112.3215(5).

29 (4) Each report filed pursuant to this section is
30 considered to be certified as accurate and complete by the
31 lobbyist, the lobbying firm, or the designated lobbyist and

1 principal, whichever is applicable. Persons given a secure
2 sign-on to the electronic filing system are responsible for
3 protecting it from disclosure and are responsible for all
4 filings using such credentials, unless they have notified the
5 division that their credentials have been compromised.

6 (5) The electronic filing system must:

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

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

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

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

15 (6) The commission shall provide by rule procedures to
16 implement and administer this section, including, but not
17 limited to:

18 (a) Alternate filing procedures in case the electronic
19 filing system is not operable.

20 (b) The issuance of an electronic receipt to the
21 person submitting the report indicating and verifying the date
22 and time that the report was filed.

23 (7) The commission shall make all the data filed
24 available on the Internet in an easily understood and
25 accessible format. The Internet web site shall also include,
26 but not be limited to, the names and business addresses of
27 lobbyists, lobbying firms, and principals, affiliations
28 between lobbyists and principals, and the North American
29 Industry Classification code and corresponding index entry
30 identified by each principal pursuant to s. 112.3215(3).

31

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

5 Section 10. Except as otherwise provided, this act
6 shall take effect January 1, 2006, except that the provisions
7 relating to the prohibition of legislative and executive
8 lobbying by felons shall take effect March 15, 2006.

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