

Bill No. SB 6-B

Barcode 892464

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

11.045 Lobbying before the Legislature ~~Lobbyists~~; registration and reporting; exemptions; penalties.--

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

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

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(c) ~~(b)~~ "Division" means the Division of Legislative

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1 Information Services within the Office of Legislative
2 Services.

3 ~~(d)(e)~~ "Expenditure" means a payment, distribution,
4 loan, advance, reimbursement, deposit, or anything of value
5 made by a lobbyist or principal for the purpose of lobbying. A
6 contribution made to a political party regulated under chapter
7 103 is not deemed an expenditure for purposes of this section.

8 ~~(e)(d)~~ "Legislative action" means introduction,
9 sponsorship, testimony, debate, voting, or any other official
10 action on any measure, resolution, amendment, nomination,
11 appointment, or report of, or any matter which may be the
12 subject of action by, either house of the Legislature or any
13 committee thereof.

14 ~~(f)(e)~~ "Lobbying" means influencing or attempting to
15 influence legislative action or nonaction through oral or
16 written communication or an attempt to obtain the goodwill of
17 a member or employee of the Legislature.

18 ~~(g)~~ "Lobbying firm" means any business entity,
19 including an individual contract lobbyist, that receives or
20 becomes entitled to receive any compensation for the purpose
21 of lobbying, where any partner, owner, officer, or employee of
22 the business entity is a lobbyist.

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

29 ~~(i)(g)~~ "Principal" means the person, firm,
30 corporation, or other entity which has employed or retained a
31 lobbyist.

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

7 (a) Registration is required for each principal
8 represented.

9 (b) Registration shall include a statement signed by
10 the principal or principal's representative that the
11 registrant is authorized to represent the principal. The
12 principal shall also identify and designate its main business
13 on the statement authorizing that lobbyist pursuant to a
14 classification system approved by the Office of Legislative
15 Services.

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

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

26 (e) Each lobbying firm lobbyist and each principal
27 shall preserve for a period of 4 years all accounts, bills,
28 receipts, computer records, books, papers, and other documents
29 and records necessary to substantiate compensation lobbying
30 expenditures. Any documents and records retained pursuant to
31 this section may be subpoenaed for audit by legislative

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1 subpoena of either house of the Legislature, and the subpoena
 2 inspected under reasonable circumstances by any authorized
 3 representative of the Legislature. The right of inspection may
 4 be enforced in circuit court by appropriate writ issued by any
 5 court of competent jurisdiction.

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

11 (a)1. Each lobbying firm shall file a compensation
 12 report with the division for each calendar quarter during any
 13 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; \$1 to \$49,999; \$50,000 to
 22 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
 23 to \$999,999; \$1 million or more.

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

27 a. Full name, business address, and telephone number
 28 of the principal; and

29 b. Total compensation provided or owed to the lobbying
 30 firm for the reporting period, reported in one of the
 31 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;

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1 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
 2 \$50,000 or more. If the category, "\$50,000 or more" is
 3 selected, the specific dollar amount of compensation must be
 4 reported, rounded up or down to the nearest \$1,000.

5 3. If the lobbying firm subcontracts work from another
 6 lobbying firm and not from the original principal:

7 a. The lobbying firm providing the work to be
 8 subcontracted shall be treated as the reporting lobbying
 9 firm's principal for reporting purposes under this paragraph;
 10 and

11 b. The reporting lobbying firm shall, for each
 12 lobbying firm identified under subparagraph 2., identify the
 13 name and address of the principal originating the lobbying
 14 work.

15 4. The senior partner, officer, or owner of the
 16 lobbying firm shall certify to the veracity and completeness
 17 of the information submitted pursuant to this paragraph, and
 18 certify that no compensation has been omitted from this report
 19 by deeming such compensation as "consulting services," "media
 20 services," "professional services," or anything other than
 21 compensation, and certify that no officer or employee of the
 22 firm has made an expenditure in violation of this section.

23 (b) For each principal represented by more than one
 24 lobbying firm, the division shall aggregate the
 25 reporting-period and calendar-year compensation reported as
 26 provided or owed by the principal.

27 ~~(a) Statements shall be filed by all registered~~
 28 ~~lobbyists two times per year, which must disclose all lobbying~~
 29 ~~expenditures by the lobbyist and the principal and the source~~
 30 ~~of funds for such expenditures. All expenditures made by the~~
 31 ~~lobbyist and the principal for the purpose of lobbying must be~~

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1 ~~reported. Reporting of expenditures shall be made on an~~
2 ~~accrual basis. The report of such expenditures must identify~~
3 ~~whether the expenditure was made directly by the lobbyist,~~
4 ~~directly by the principal, initiated or expended by the~~
5 ~~lobbyist and paid for by the principal, or initiated or~~
6 ~~expended by the principal and paid for by the lobbyist. The~~
7 ~~principal is responsible for the accuracy of the expenditures~~
8 ~~reported as lobbying expenditures made by the principal. The~~
9 ~~lobbyist is responsible for the accuracy of the expenditures~~
10 ~~reported as lobbying expenditures made by the lobbyist.~~
11 ~~Expenditures made must be reported by the category of the~~
12 ~~expenditure, including, but not limited to, the categories of~~
13 ~~food and beverages, entertainment, research, communication,~~
14 ~~media advertising, publications, travel, and lodging. Lobbying~~
15 ~~expenditures do not include a lobbyist's or principal's~~
16 ~~salary, office expenses, and personal expenses for lodging,~~
17 ~~meals, and travel.~~

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

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

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

13 ~~(c)(d) The reporting statements shall be filed no~~
14 ~~later than 45 days after the end of each the reporting period.~~
15 ~~The four reporting periods are The first report shall include~~
16 ~~the expenditures for the period from January 1 through March~~
17 ~~31, April 1 through June 30, July 1 through September 30, and~~
18 ~~October 1 through December 31, respectively June 30. The~~
19 ~~second report shall disclose expenditures for the period from~~
20 ~~July 1 through December 31. The statements shall be rendered~~
21 ~~in the identical form provided by the respective houses and~~
22 ~~shall be open to public inspection. Reporting statements may~~
23 ~~be filed by electronic means, when feasible.~~

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

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1 of mailing in a timely manner.

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

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

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

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

18 b. When the report is postmarked.

19 c. When the certificate of mailing is dated.

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

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

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

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

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

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

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1 7. All lobbyist registrations for lobbyists who are
 2 partners, owners, officers, or employees of a lobbying firm
 3 that fails to timely pay a fine are automatically suspended
 4 until the fine is paid or waived, and the division shall
 5 promptly notify all affected principals of any suspension or
 6 reinstatement. ~~The registration of a lobbyist who fails to~~
 7 ~~timely pay a fine is automatically suspended until the fine is~~
 8 ~~paid or waived.~~

9 8.7. The person designated to review the timeliness of
 10 reports shall notify the director of the division of the
 11 failure of a lobbying firm lobbyist to file a report after
 12 notice or of the failure of a lobbying firm lobbyist to pay
 13 the fine imposed.

14 (4)(a) Notwithstanding s. 112.3148, s. 112.3149, or
 15 any other provision of law to the contrary, no lobbyist or
 16 principal shall make, directly or indirectly, and no member or
 17 employee of the Legislature shall knowingly accept, directly
 18 or indirectly, any expenditure, except floral arrangements or
 19 other celebratory items given to legislators and displayed in
 20 chambers the opening day of a regular session.

21 (b) No person shall provide compensation for lobbying
 22 to any individual or business entity that is not a lobbying
 23 firm.

24 (5)(4) Each house of the Legislature shall provide by
 25 rule a procedure by which a person, when in doubt about the
 26 applicability and interpretation of this section in a
 27 particular context, may submit in writing the facts for an
 28 advisory opinion to the committee of either house and may
 29 appear in person before the committee. The rule shall provide
 30 a procedure by which:

31 (a) The committee shall render advisory opinions to

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1 any person who seeks advice as to whether the facts in a
 2 particular case would constitute a violation of this section.

3 (b) The committee shall make sufficient deletions to
 4 prevent disclosing the identity of persons in the decisions or
 5 opinions.

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

8 ~~(6)(5)~~ Each house of the Legislature shall provide by
 9 rule for keeping ~~keep~~ all advisory opinions of the committees
 10 relating to lobbying firms, lobbyists, and lobbying
 11 activities., ~~as well as~~ The rule shall also provide that each
 12 house keep a current list of registered lobbyists along with
 13 ~~and their respective~~ reports required of lobbying firms under
 14 this section, all of which shall be open for public
 15 inspection.

16 ~~(7)(6)~~ Each house of the Legislature shall provide by
 17 rule that a ~~the~~ committee of either house ~~shall~~ investigate
 18 any person ~~engaged in legislative lobbying~~ upon receipt of a
 19 sworn complaint alleging a violation of this section, s.
 20 112.3148, or s. 112.3149 by such person; also, the rule shall
 21 provide that a committee of either house investigate any
 22 lobbying firm upon receipt of audit information indicating a
 23 possible violation other than a late-filed report. Such
 24 proceedings shall be conducted pursuant to the rules of the
 25 respective houses. If the committee finds that there has been
 26 a violation of this section, s. 112.3148, or s. 112.3149, it
 27 shall report its findings to the President of the Senate or
 28 the Speaker of the House of Representatives, as appropriate,
 29 together with a recommended penalty, to include a fine of not
 30 more than \$5,000, reprimand, censure, probation, or
 31 prohibition from lobbying for a period of time not to exceed

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1 24 months. Upon the receipt of such report, the President of
 2 the Senate or the Speaker of the House of Representatives
 3 shall cause the committee report and recommendations to be
 4 brought before the respective house and a final determination
 5 shall be made by a majority of said house.

6 ~~(8)(7)~~ Any person required to be registered or to
 7 provide information pursuant to this section or pursuant to
 8 rules established in conformity with this section who
 9 knowingly fails to disclose any material fact required by this
 10 section or by rules established in conformity with this
 11 section, or who knowingly provides false information on any
 12 report required by this section or by rules established in
 13 conformity with this section, commits a noncriminal
 14 infraction, punishable by a fine not to exceed \$5,000. Such
 15 penalty shall be in addition to any other penalty assessed by
 16 a house of the Legislature pursuant to subsection ~~(7)(6)~~.

17 ~~(9)(8)~~ There is hereby created the Legislative
 18 Lobbyist Registration Trust Fund, to be used for the purpose
 19 of funding any office established for the administration of
 20 the registration of lobbyist lobbying the Legislature,
 21 including the payment of salaries and other expenses, and for
 22 the purpose of paying the expenses incurred by the Legislature
 23 in providing services to lobbyists. The trust fund is not
 24 subject to the service charge to general revenue provisions of
 25 chapter 215. Fees collected pursuant to rules established in
 26 accordance with subsection (2) shall be deposited into the
 27 Legislative Lobbyist Registration Trust Fund.

28 Section 2. Effective April 1, 2007, subsection (3) of
 29 section 11.045, Florida Statutes, as amended by this act, is
 30 amended to read:

31 11.045 Lobbying before the Legislature; registration

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1 and reporting; exemptions; penalties.--

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

4 (a)1. Each lobbying firm shall file a compensation
5 report with the division for each calendar quarter during any
6 portion of which one or more of the firm's lobbyists were
7 registered to represent a principal. The report shall include
8 the:

9 a. Full name, business address, and telephone number
10 of the lobbying firm;

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

12 c. Total compensation provided or owed to the lobbying
13 firm from all principals for the reporting period, reported in
14 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
15 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
16 to \$999,999; \$1 million or more.

17 2. For each principal represented by one or more of
18 the firm's lobbyists, the lobbying firm's compensation report
19 shall also include the:

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

22 b. Total compensation provided or owed to the lobbying
23 firm for the reporting period, reported in one of the
24 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
25 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
26 \$50,000 or more. If the category, "\$50,000 or more" is
27 selected, the specific dollar amount of compensation must be
28 reported, rounded up or down to the nearest \$1,000.

29 3. If the lobbying firm subcontracts work from another
30 lobbying firm and not from the original principal:

31 a. The lobbying firm providing the work to be

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1 subcontracted shall be treated as the reporting lobbying
2 firm's principal for reporting purposes under this paragraph;
3 and

4 b. The reporting lobbying firm shall, for each
5 lobbying firm identified under subparagraph 2., identify the
6 name and address of the principal originating the lobbying
7 work.

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

11 (b) For each principal represented by more than one
12 lobbying firm, the division shall aggregate the
13 reporting-period and calendar-year compensation reported as
14 provided or owed by the principal.

15 (c) The reporting statements shall be filed no later
16 than 45 days after the end of each reporting period. The four
17 reporting periods are from January 1 through March 31, April 1
18 through June 30, July 1 through September 30, and October 1
19 through December 31, respectively. The statements shall be
20 rendered in the identical form provided by the respective
21 houses and shall be open to public inspection. Reporting
22 statements must ~~may~~ be filed by electronic means as provided
23 in s. 11.0455, when feasible.

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

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1 ~~of mailing in a timely manner.~~

2 (d)(e) Each house of the Legislature shall provide by
3 rule, or both houses may provide by joint rule, a procedure by
4 which a lobbying firm that fails to timely file a report shall
5 be notified and assessed fines. The rule shall provide for the
6 following:

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

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

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

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

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

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

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

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

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

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

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

29 7. All lobbyist registrations for lobbyists who are
30 partners, owners, officers, or employees of a lobbying firm
31 that fails to timely pay a fine are automatically suspended

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1 until the fine is paid or waived, and the division shall
2 promptly notify all affected principals of any suspension or
3 reinstatement.

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

8 Section 3. Effective April 1, 2007, section 11.0455,
9 Florida Statutes, is created to read:

10 11.0455 Electronic filing of compensation reports and
11 other information.--

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

16 (2) Each lobbying firm that is required to file
17 reports with the Division of Legislative Information Services
18 pursuant to s. 11.045 must file such reports with the division
19 by means of the division's electronic filing system.

20 (3) A report filed pursuant to this section must be
21 completed and filed through the electronic filing system not
22 later than 11:59 p.m. of the day designated in s. 11.045. A
23 report not filed by 11:59 p.m. of the day designated is a
24 late-filed report and is subject to the penalties under s.
25 11.045(3).

26 (4) Each report filed pursuant to this section is
27 considered to meet the certification requirements of s.
28 11.045(3)(a)4., and as such subjects the person responsible
29 for filing and the lobbying firm to the provisions of ss.
30 11.045(7) and (8). Persons given a secure sign-on to the
31 electronic filing system are responsible for protecting it

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1 from disclosure and are responsible for all filings using such
2 credentials, unless they have notified the division that their
3 credentials have been compromised.

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

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

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

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

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

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

18 (a) Alternate filing procedures in case the division's
19 electronic 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) Each house of the Legislature shall provide by
24 rule that the division make all the data filed available on
25 the Internet in an easily understood and accessible format.
26 The Internet website shall also include, but not be limited
27 to, the names and business addresses of lobbyists, lobbying
28 firms, and principals, the affiliations between lobbyists and
29 principals, and the classification system designated and
30 identified by each principal pursuant to s. 11.045(2).

31 Section 4. Effective February 15, 2007, subsection (6)

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1 is added to section 11.40, Florida Statutes, to read:

2 11.40 Legislative Auditing Committee.--

3 (6)(a) As used in this subsection, "independent
4 contract auditor" means a state-licensed certified public
5 accountant or firm with which a state-licensed certified
6 public accountant is currently employed or associated who is
7 actively engaged in the accounting profession.

8 (b) Audits specified in this subsection cover the
9 quarterly compensation reports for the previous calendar year
10 for a random sample of 3 percent of all legislative branch
11 lobbying firms and a random sample of 3 percent of all
12 executive branch lobbying firms calculated using as the total
13 number of such lobbying firms those filing a compensation
14 report for the preceding calendar year. The committee shall
15 provide for a system of random selection of the lobbying firms
16 to be audited.

17 (c) The committee shall create and maintain a list of
18 not less than 10 independent contract auditors approved to
19 conduct the required audits. Each lobbying firm selected for
20 audit in the random audit process may designate one of the
21 independent contract auditors from the committee's approved
22 list. Upon failure for any reason of a lobbying firm selected
23 in the random selection process to designate an independent
24 contract auditor from the committee's list within 30 calendar
25 days after being notified by the committee of its selection,
26 the committee shall assign one of the available independent
27 contract auditors from the approved list to perform the
28 required audit. No independent contract auditor, whether
29 designated by the lobbying firm or by the committee, may
30 perform the audit of a lobbying firm where the auditor and
31 lobbying firm have ever had a direct personal relationship or

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1 any professional accounting, auditing, tax advisory, or tax
2 preparing relationship with each other. The committee shall
3 obtain a written, sworn certification subject to s. 837.06,
4 both from the randomly selected lobbying firm and from the
5 proposed independent contract auditor, that no such
6 relationship has ever existed.

7 (d) Each independent contract auditor shall be engaged
8 by and compensated solely by the state for the work performed
9 in accomplishing an audit under this subsection.

10 (e) Any violations of law, deficiencies, or material
11 misstatements discovered and noted in an audit report shall be
12 clearly identified in the audit report and be determined under
13 the rules of either house of the Legislature or under the
14 joint rules, as applicable.

15 (f) If any lobbying firm fails to give full, frank,
16 and prompt cooperation and access to books, records, and
17 associated backup documents as requested in writing by the
18 auditor, that failure shall be clearly noted by the
19 independent contract auditor in the report of audit.

20 (g) The committee shall establish procedures for the
21 selection of independent contract auditors desiring to enter
22 into audit contracts pursuant to this subsection. Such
23 procedures shall include, but not be limited to, a rating
24 system that takes into account pertinent information,
25 including the independent contract auditor's fee proposals for
26 participating in the process. All contracts under this
27 subsection between an independent contract auditor and the
28 Speaker of the House of Representatives and the President of
29 the Senate shall be terminable by either party at any time
30 upon written notice to the other, and such contracts may
31 contain such other terms and conditions as the Speaker of the

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1 House of Representatives and the President of the Senate deem
2 appropriate under the circumstances.

3 (h) The committee shall adopt guidelines that govern
4 random audits and field investigations conducted pursuant to
5 this subsection. The guidelines shall ensure that similarly
6 situated compensation reports are audited in a uniform manner.
7 The guidelines shall also be formulated to encourage
8 compliance and detect violations of the legislative and
9 executive lobbying compensation reporting requirements in ss.
10 11.045 and 112.3215 and to ensure that each audit is conducted
11 with maximum efficiency in a cost-effective manner. In
12 adopting the guidelines, the committee shall consider relevant
13 guidelines and standards of the American Institute of
14 Certified Public Accountants to the extent that such
15 guidelines and standards are applicable and consistent with
16 the purposes set forth in this subsection.

17 (i) All audit reports of legislative lobbying firms
18 shall, upon completion by an independent contract auditor, be
19 delivered to the President of the Senate and the Speaker of
20 the House of Representatives for their respective review and
21 handling. All audit reports of executive branch lobbyists,
22 upon completion by an independent contract auditor, shall be
23 delivered by the auditor to the Commission on Ethics.

24 Section 5. Section 112.3215, Florida Statutes, is
25 amended to read:

26 112.3215 Lobbying ~~Lobbyists~~ before the executive
27 branch or the Constitution Revision Commission; registration
28 and reporting; investigation by commission.--

29 (1) For the purposes of this section:

30 (a) "Agency" means the Governor, Governor and Cabinet,
31 or any department, division, bureau, board, commission, or

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1 authority of the executive branch. In addition, "agency" shall
2 mean the Constitution Revision Commission as provided by s. 2,
3 Art. XI of the State Constitution.

4 (b) "Agency official" or "employee" means any
5 individual who is required by law to file full or limited
6 public disclosure of his or her financial interests.

7 (c) "Compensation" means a payment, distribution,
8 loan, advance, reimbursement, deposit, salary, fee, retainer,
9 or anything of value provided or owed to a lobbying firm,
10 directly or indirectly, by a principal for any lobbying
11 activity.

12 (d)(b) "Expenditure" means a payment, distribution,
13 loan, advance, reimbursement, deposit, or anything of value
14 made by a lobbyist or principal for the purpose of lobbying. A
15 contribution made to a political party regulated under chapter
16 103 is not deemed an expenditure for purposes of this section.

17 (e)(c) "Fund" means the Executive Branch Lobby
18 Registration Trust Fund.

19 (f)(d) "Lobbies" means seeking, on behalf of another
20 person, to influence an agency with respect to a decision of
21 the agency in the area of policy or procurement or an attempt
22 to obtain the goodwill of an agency official or employee.

23 "Lobbies" also means influencing or attempting to influence,
24 on behalf of another, the Constitution Revision Commission's
25 action or nonaction through oral or written communication or
26 an attempt to obtain the goodwill of a member or employee of
27 the Constitution Revision Commission.

28 (g) "Lobbying firm" means a business entity, including
29 an individual contract lobbyist, that receives or becomes
30 entitled to receive any compensation for the purpose of
31 lobbying, where any partner, owner, officer, or employee of

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1 the business entity is a lobbyist.

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

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

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

17 3. A confidential informant who is providing, or
18 wishes to provide, confidential information to be used for law
19 enforcement purposes.

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

23 ~~(i)(f)~~ "Principal" means the person, firm,
24 corporation, or other entity which has employed or retained a
25 lobbyist.

26 (2) The Executive Branch Lobby Registration Trust Fund
27 is hereby created within the commission to be used for the
28 purpose of funding any office established to administer the
29 registration of lobbyists lobbying an agency, including the
30 payment of salaries and other expenses. The trust fund is not
31 subject to the service charge to General Revenue provisions of

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1 chapter 215. All annual registration fees collected pursuant
 2 to this section shall be deposited into such fund.

3 (3) A person may not lobby an agency until such person
 4 has registered as a lobbyist with the commission. Such
 5 registration shall be due upon initially being retained to
 6 lobby and is renewable on a calendar year basis thereafter.
 7 Upon registration the person shall provide a statement signed
 8 by the principal or principal's representative that the
 9 registrant is authorized to represent the principal. The
 10 principal shall also identify and designate its main business
 11 on the statement authorizing that lobbyist pursuant to a
 12 classification system approved by the commission. The
 13 registration shall require each ~~the~~ lobbyist to disclose,
 14 under oath, the following information:

- 15 (a) Name and business address;
- 16 (b) The name and business address of each principal
 17 represented;
- 18 (c) His or her area of interest;
- 19 (d) The agencies before which he or she will appear;
- 20 and
- 21 (e) The existence of any direct or indirect business
 22 association, partnership, or financial relationship with any
 23 employee of an agency with which he or she lobbies, or intends
 24 to lobby, as disclosed in the registration.

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

28 (5)(a)1. Each lobbying firm shall file a compensation
 29 report with the commission for each calendar quarter during
 30 any portion of which one or more of the firm's lobbyists were
 31 registered to represent a principal. The report shall include

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1 the:

2 a. Full name, business address, and telephone number
3 of the lobbying firm;

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

5 c. Total compensation provided or owed to the lobbying
6 firm from all principals for the reporting period, reported in
7 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
8 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
9 to \$999,999; \$1 million or more.

10 2. For each principal represented by one or more of
11 the firm's lobbyists, the lobbying firm's compensation report
12 shall also include the:

13 a. Full name, business address, and telephone number
14 of the principal; and

15 b. Total compensation provided or owed to the lobbying
16 firm for the reporting period, reported in one of the
17 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
18 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
19 \$50,000 or more. If the category, "\$50,000 or more" is
20 selected, the specific dollar amount of compensation must be
21 reported, rounded up or down to the nearest \$1,000.

22 3. If the lobbying firm subcontracts work from another
23 lobbying firm and not from the original principal:

24 a. The lobbying firm providing the work to be
25 subcontracted shall be treated as the reporting lobbying
26 firm's principal for reporting purposes under this paragraph;
27 and

28 b. The reporting lobbying firm shall, for each
29 lobbying firm identified under subparagraph 2., identify the
30 name and address of the principal originating the lobbying
31 work.

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1 4. The senior partner, officer, or owner of the
2 lobbying firm shall certify to the veracity and completeness
3 of the information submitted pursuant to this paragraph, and
4 certify that no compensation has been omitted from this report
5 by deeming such compensation as "consulting services," "media
6 services," "professional services," or anything other than
7 compensation, and certify that no officer or employee of the
8 firm has made an expenditure in violation of this section.

9 (b) For each principal represented by more than one
10 lobbying firm, the commission shall aggregate the
11 reporting-period and calendar-year compensation reported as
12 provided or owed by the principal.

13 ~~(a) A registered lobbyist must also submit to the~~
14 ~~commission, biannually, a signed expenditure report~~
15 ~~summarizing all lobbying expenditures by the lobbyist and the~~
16 ~~principal for each 6-month period during any portion of which~~
17 ~~the lobbyist is registered. All expenditures made by the~~
18 ~~lobbyist and the principal for the purpose of lobbying must be~~
19 ~~reported. Reporting of expenditures shall be on an accrual~~
20 ~~basis. The report of such expenditures must identify whether~~
21 ~~the expenditure was made directly by the lobbyist, directly by~~
22 ~~the principal, initiated or expended by the lobbyist and paid~~
23 ~~for by the principal, or initiated or expended by the~~
24 ~~principal and paid for by the lobbyist. The principal is~~
25 ~~responsible for the accuracy of the expenditures reported as~~
26 ~~lobbying expenditures made by the principal. The lobbyist is~~
27 ~~responsible for the accuracy of the expenditures reported as~~
28 ~~lobbying expenditures made by the lobbyist. Expenditures made~~
29 ~~must be reported by the category of the expenditure,~~
30 ~~including, but not limited to, the categories of food and~~
31 ~~beverages, entertainment, research, communication, media~~

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1 ~~advertising, publications, travel, and lodging. Lobby~~
 2 ~~expenditures do not include a lobbyist's or principal's~~
 3 ~~salary, office expenses, and personal expenses for lodging,~~
 4 ~~meals, and travel.~~

5 ~~(b) A principal who is represented by two or more~~
 6 ~~lobbyists shall designate one lobbyist whose expenditure~~
 7 ~~report shall include all lobbying expenditures made directly~~
 8 ~~by the principal and those expenditures of the designated~~
 9 ~~lobbyist on behalf of that principal as required by paragraph~~

10 ~~(a). All other lobbyists registered to represent that~~
 11 ~~principal shall file a report pursuant to paragraph (a). The~~
 12 ~~report of lobbying expenditures by the principal shall be made~~
 13 ~~pursuant to the requirements of paragraph (a). The principal~~
 14 ~~is responsible for the accuracy of figures reported by the~~
 15 ~~designated lobbyist as lobbying expenditures made directly by~~
 16 ~~the principal. The designated lobbyist is responsible for the~~
 17 ~~accuracy of the figures reported as lobbying expenditures made~~
 18 ~~by that lobbyist.~~

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

25 ~~(c)(d)~~ The reporting statements shall be filed no
 26 later than 45 days after the end of each reporting period. ~~and~~
 27 ~~shall include the expenditures for the period~~ The four
 28 reporting periods are from January 1 through March 31 ~~June 30,~~
 29 April 1 through June 30, ~~and~~ July 1 through September 30, ~~and~~
 30 October 1 through December 31, respectively.

31 ~~(d)(e)~~ Reports shall be filed not later than 5 p.m. of

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1 the report due date. However, any report that is postmarked by
2 the United States Postal Service no later than midnight of the
3 due date shall be deemed to have been filed in a timely
4 manner, and a certificate of mailing obtained from and dated
5 by the United States Postal Service at the time of the
6 mailing, or a receipt from an established courier company
7 which bears a date on or before the due date, shall be proof
8 of mailing in a timely manner.

9 ~~(e)(f)~~ The commission shall provide by rule a
10 procedure by which a lobbying firm that ~~lobbyist who~~ fails to
11 timely file a report shall be notified and assessed fines. The
12 rule shall provide for the following:

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

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

23 a. When a report is actually received by the lobbyist
24 registration and reporting office.

25 b. When the report is postmarked.

26 c. When the certificate of mailing is dated.

27 d. When the receipt from an established courier
28 company is dated.

29 3. Such fine shall be paid within 30 days after the
30 notice of payment due is transmitted by the Lobbyist
31 Registration Office, unless appeal is made to the commission.

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1 The moneys shall be deposited into the Executive Branch Lobby
2 Registration Trust Fund.

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

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

24 6. The person designated to review the timeliness of
25 reports shall notify the commission of the failure of a
26 lobbying firm lobbyist to file a report after notice or of the
27 failure of a lobbying firm lobbyist to pay the fine imposed.

28 7. Notwithstanding any provision of chapter 120, any
29 fine imposed under this subsection that is not waived by final
30 order of the commission and that remains unpaid more than 60
31 days after the notice of payment due or more than 60 days

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1 after the commission renders a final order on the lobbying
 2 firm's lobbyist's appeal shall be collected by the Department
 3 of Financial Services as a claim, debt, or other obligation
 4 owed to the state, and the department may assign the
 5 collection of such fine to a collection agent as provided in
 6 s. 17.20.

7 ~~(f)(g)~~ The commission shall adopt a rule which allows
 8 reporting statements to be filed by electronic means, when
 9 feasible.

10 ~~(g)(h)~~ Each lobbying firm lobbyist and each principal
 11 shall preserve for a period of 4 years all accounts, bills,
 12 receipts, computer records, books, papers, and other documents
 13 and records necessary to substantiate compensation lobbying
 14 expenditures. Any documents and records retained pursuant to
 15 this section may be subpoenaed for audit by the Legislative
 16 Auditing Committee pursuant to s. 11.40, and such subpoena
 17 inspected under reasonable circumstances by any authorized
 18 representative of the commission. The right of inspection may
 19 be enforced in circuit court by appropriate writ issued by any
 20 court of competent jurisdiction.

21 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or
 22 any other provision of law to the contrary, no lobbyist or
 23 principal shall make, directly or indirectly, and no agency
 24 official, member, or employee shall knowingly accept, directly
 25 or indirectly, any expenditure.

26 (b) No person shall provide compensation for lobbying
 27 to any individual or business entity that is not a lobbying
 28 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

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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 ~~an expenditure~~ report, or has knowingly submitted
15 false information in any report or registration required in
16 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
29 firm, agency, officer, or employee upon receipt of information
30 from a sworn complaint or from a random audit of lobbying
31 reports indicating a possible violation other than a

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1 late-filed report.

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

31 ~~(10)(9)~~ If the Governor and Cabinet finds that a

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

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

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

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

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

30 Section 6. Effective April 1, 2007, subsection (5) of
 31 section 112.3215, Florida Statutes, as amended by this act, is

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1 amended to read:

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

5 (5)(a)1. Each lobbying firm shall file a compensation
6 report with the commission for each calendar quarter during
7 any portion of which one or more of the firm's lobbyists were
8 registered to represent a principal. The report shall include
9 the:

10 a. Full name, business address, and telephone number
11 of the lobbying firm;

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

13 c. Total compensation provided or owed to the lobbying
14 firm from all principals for the reporting period, reported in
15 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
16 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
17 to \$999,999; \$1 million or more.

18 2. For each principal represented by one or more of
19 the firm's lobbyists, the lobbying firm's compensation report
20 shall also include the:

21 a. Full name, business address, and telephone number
22 of the principal; and

23 b. Total compensation provided or owed to the lobbying
24 firm for the reporting period, reported in one of the
25 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
26 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
27 \$50,000 or more. If the category, "\$50,000 or more" is
28 selected, the specific dollar amount of compensation must be
29 reported, rounded up or down to the nearest \$1,000.

30 3. If the lobbying firm subcontracts work from another
31 lobbying firm and not from the original principal:

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1 a. The lobbying firm providing the work to be
 2 subcontracted shall be treated as the reporting lobbying
 3 firm's principal for reporting purposes under this paragraph;
 4 and

5 b. The reporting lobbying firm shall, for each
 6 lobbying firm identified under subparagraph 2., identify the
 7 name and address of the principal originating the lobbying
 8 work.

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

12 (b) For each principal represented by more than one
 13 lobbying firm, the commission shall aggregate the
 14 reporting-period and calendar-year compensation reported as
 15 provided or owed by the principal.

16 (c) The reporting statements shall be filed no later
 17 than 45 days after the end of each reporting period. The four
 18 reporting periods are from January 1 through March 31, April 1
 19 through June 30, July 1 through September 30, and October 1
 20 through December 31, respectively. Reporting statements must
 21 be filed by electronic means as provided in s. 112.32155.

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

31 ~~(d)(e)~~ The commission shall provide by rule a

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1 procedure by which a lobbying firm that fails to timely file a
2 report shall be notified and assessed fines. The rule shall
3 provide for the following:

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

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

13 a. When a report is actually received by the lobbyist
14 registration and reporting office.

15 b. When the electronic receipt issued pursuant to s.
16 112.32155 is dated. ~~When the report is postmarked.~~

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

18 d. ~~When the receipt from an established courier~~
19 ~~company is dated.~~

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

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

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1 any subsequent late-filed reports.

2 5. Any lobbying firm may appeal or dispute a fine,
3 based upon unusual circumstances surrounding the failure to
4 file on the designated due date, and may request and shall be
5 entitled to a hearing before the commission, which shall have
6 the authority to waive the fine in whole or in part for good
7 cause shown. Any such request shall be made within 30 days
8 after the notice of payment due is transmitted by the Lobbyist
9 Registration Office. In such case, the lobbying firm 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 bring the matter before the commission.

13 6. The person designated to review the timeliness of
14 reports shall notify the commission of the failure of a
15 lobbying firm to file a report after notice or of the failure
16 of a lobbying firm to pay the fine imposed.

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

26 ~~(f) The commission shall adopt a rule which allows~~
27 ~~reporting statements to be filed by electronic means, when~~
28 ~~feasible.~~

29 (e)~~(g)~~ Each lobbying firm and each principal shall
30 preserve for a period of 4 years all accounts, bills,
31 receipts, computer records, books, papers, and other documents

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1 and records necessary to substantiate compensation. Any
2 documents and records retained pursuant to this section may be
3 subpoenaed for audit by the Legislative Auditing Committee
4 pursuant to s. 11.40, and such subpoena may be enforced in
5 circuit court.

6 Section 7. Effective April 1, 2007, section 112.32155,
7 Florida Statutes, is created to read:

8 112.32155 Electronic filing of compensation reports
9 and other information.--

10 (1) As used in this section, the term "electronic
11 filing system" means an Internet system for recording and
12 reporting lobbying compensation and other required information
13 by reporting period.

14 (2) Each lobbying firm who is required to file reports
15 with the Commission on Ethics pursuant to s. 112.3215 must
16 file such reports with the commission by means of the
17 electronic filing system.

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

24 (4) Each report filed pursuant to this section is
25 considered to meet the certification requirements of s.
26 112.3215(5)(a)4. Persons given a secure sign-on to the
27 electronic filing system are responsible for protecting it
28 from disclosure and are responsible for all filings using such
29 credentials, unless they have notified the commission that
30 their credentials have been compromised.

31 (5) The electronic filing system must:

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

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

4 (c) Provide for direct entry of compensation-report
5 information as well as upload of such information from
6 software authorized by the commission.

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

9 (6) The commission shall provide by rule procedures to
10 implement and administer this section, including, but not
11 limited to:

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

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

17 (7) The commission shall make all the data filed
18 available on the Internet in an easily understood and
19 accessible format. The Internet web site shall also include,
20 but not be limited to, the names and business addresses of
21 lobbyists, lobbying firms, and principals, affiliations
22 between lobbyists and principals, and the classification
23 system designated and identified by each principal pursuant to
24 s. 112.3215(3).

25 Section 8. The first compensation reports subject to
26 the amended reporting requirements in this act must be filed
27 by May 15, 2006, and encompass the reporting period from
28 January 1, 2006, through March 31, 2006.

29 Section 9. A person convicted of a felony after
30 January 1, 2006, may not be registered as a lobbyist pursuant
31 to s. 11.045 or s. 112.3125, Florida Statutes, until the

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1 person:

2 (1) Has been released from incarceration and any
3 postconviction supervision, and has paid all court costs and
4 court-ordered restitution; and

5 (2) Has had his or her civil rights restored.

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

8

9

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15

 A bill to be entitled

16

 An act relating to political activities;

17

 amending ss. 11.045 and 112.3215, F.S.,

18

 relating to registration and reporting

19

 requirements for legislative lobbyists and

20

 lobbyists of the executive branch and

21

 Constitution Revision Commission; providing and

22

 amending definitions; requiring each principal

23

 upon the registration of the principal's

24

 lobbyist to identify the principal's main

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 business; requiring each lobbying firm and

26

 principal to maintain certain records and

27

 documents for a specified period; specifying

28

 judicial jurisdiction for enforcing the right

29

 to subpoena certain documents and records for

30

 audit; deleting the requirement for lobbyists

31

 to file expenditure reports; requiring each

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1 lobbying firm to file quarterly compensation
2 reports; requiring each lobbying firm to report
3 certain compensation information in dollar
4 categories and specific dollar amounts;
5 requiring certain lobbying firms to report the
6 name and address of the principal originating
7 lobbying work; providing for certification of
8 compensation reports; requiring the Division of
9 Legislative Information Services and the
10 Commission on Ethics to aggregate certain
11 compensation information; revising the periods
12 for filing compensation reporting statements;
13 prescribing procedures for determining
14 late-filing fines for compensation reports;
15 prescribing fines and penalties for
16 compensation-reporting violations; providing
17 exceptions; prohibiting lobbying expenditures,
18 except for certain floral arrangements and
19 celebratory items; prohibiting principals from
20 providing lobbying compensation to any
21 individual or business entity other than a
22 lobbying firm; providing for the Legislature to
23 adopt rules to maintain and make publicly
24 available all advisory opinions and reports
25 relating to lobbying firms, to conform;
26 providing for the Legislature to adopt rules
27 authorizing legislative committees to
28 investigate certain persons and entities
29 engaged in legislative lobbying; providing for
30 the commission to investigate certain lobbying
31 firms for lobbying report violations; providing

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1 procedures for disposing of lobbying report
2 investigations and proceedings; providing
3 penalties; providing for public access to
4 certain records; authorizing the commission to
5 adopt administration rules and forms relating
6 to compensation reporting; requiring
7 compensation reports to be filed
8 electronically; creating ss. 11.0455 and
9 112.32155, F.S.; defining the term "electronic
10 filing system"; providing requirements for
11 lobbying firms filing reports with the Division
12 of Legislative Information Services and the
13 Commission on Ethics by means of the division's
14 and the commission's electronic filing systems;
15 providing that such reports are considered to
16 be certified; providing requirements for the
17 electronic filing system; providing for the
18 Legislature and the commission to adopt rules
19 to administer the electronic filing system;
20 requiring alternate filing procedures;
21 requiring the issuance of electronic receipts;
22 requiring that the division and the commission
23 provide for public access to certain data;
24 amending s. 11.40, F.S.; requiring that the
25 Legislative Auditing Committee conduct random
26 audits of the compensation reports filed by
27 legislative branch and executive branch
28 lobbying firms; providing definitions;
29 prescribing conditions for the random
30 selection; directing the committee to provide
31 for a system to select lobbying firms to be

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1 audited; requiring the committee to create and
2 maintain a list of approved auditors;
3 authorizing certain lobbying firms the ability
4 to select an auditor from an approved list;
5 prohibiting an auditor to audit lobbying firms
6 under specified circumstances; requiring a
7 sworn certification from the auditor and the
8 lobbying firm being audited; providing for
9 certain auditors to be solely engaged and
10 compensated by the state; providing the
11 required contents of the audit report;
12 providing for the determination of violations
13 of law to be made by Legislative rule;
14 prescribing a standard of cooperation by
15 lobbying firms being audited; providing
16 guidelines for the committee to establish
17 procedures for the selection of independent
18 contractors; requiring the committee to adopt
19 guidelines that govern random audits and field
20 investigations; requiring that legislative
21 lobbying audit reports be forwarded to the
22 Legislature and executive lobbying audit
23 reports be sent to the Commission on Ethics;
24 specifying the initial reporting period that is
25 subject to the requirements of the act;
26 prohibiting persons convicted of a felony from
27 being registered as a lobbyist until certain
28 conditions are met; providing effective dates.
29
30
31