

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

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

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

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

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

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

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

24 (e) "Lobbying" means influencing or attempting to
25 influence legislative action or nonaction through oral or
26 written communication or an attempt to obtain the goodwill of a
27 member or employee of the Legislature. Food and beverages paid
28 for or provided, directly or indirectly, by a lobbyist or
29 principal to, or for the benefit of, a member or employee of the
30 Legislature is deemed an attempt to obtain the goodwill of the
31 member or employee unless the lobbyist or principal is the
32 member's or employee's parent, spouse, child, or sibling.

33 (f) "Lobbyist" means a person who is employed and receives
34 payment, or who contracts for economic consideration, for the
35 purpose of lobbying, or a person who is principally employed for
36 governmental affairs by another person or governmental entity to
37 lobby on behalf of that other person or governmental entity.

38 (g) "Principal" means the person, firm, corporation, or
39 other entity which has employed or retained a lobbyist.

40 (2) Each house of the Legislature shall provide by rule,
41 or may provide by a joint rule adopted by both houses, for the
42 registration of lobbyists who lobby the Legislature. The rule
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43 may provide for the payment of a registration fee. The rule may
44 provide for exemptions from registration or registration fees.

45 The rule shall provide that:

46 (a) Registration is required for each principal
47 represented.

48 (b) Registration shall include a statement signed by the
49 principal or principal's representative that the registrant is
50 authorized to represent the principal.

51 (c) A registrant shall promptly send a written statement
52 to the division canceling the registration for a principal upon
53 termination of the lobbyist's representation of that principal.
54 Notwithstanding this requirement, the division may remove the
55 name of a registrant from the list of registered lobbyists if
56 the principal notifies the office that a person is no longer
57 authorized to represent that principal.

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

61 (e) Each lobbyist and each principal shall preserve for a
62 period of 4 years all accounts, bills, receipts, computer
63 records, books, papers, and other documents and records
64 necessary to substantiate lobbying expenditures. Any documents
65 and records retained pursuant to this section may be inspected
66 under reasonable circumstances by any authorized representative
67 of the Legislature. The right of inspection may be enforced by
68 appropriate writ issued by any court of competent jurisdiction.

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

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

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

74 (a) Statements, to shall be filed by each recipient of
75 lobbying expenditures weekly during legislative session and
76 quarterly during all other all registered lobbyists two times of
77 the per year, which must disclose all lobbying expenditures by
78 the lobbyist and the principal ~~and the source of funds for such~~
79 ~~expenditures~~. All expenditures made by the lobbyist and the
80 principal for the purpose of lobbying must be reported by the
81 recipients of such expenditures. Reporting of expenditures shall
82 be made on an accrual basis. The report of such expenditures
83 must identify whether the expenditure was made directly by the
84 lobbyist, directly by the principal, initiated or expended by
85 the lobbyist and paid for by the principal, or initiated or
86 expended by the principal and paid for by the lobbyist. The
87 recipient of lobbying expenditures principal is responsible for
88 the accuracy of the expenditures reported ~~as lobbying~~
89 ~~expenditures made by the principal~~. ~~The lobbyist is responsible~~
90 ~~for the accuracy of the expenditures reported as lobbying~~
91 ~~expenditures made by the lobbyist~~. Each expenditure received and
92 the amount of the expenditure Expenditures made must be reported
93 ~~by the category of the expenditure, including, but not limited~~
94 ~~to, the categories of food and beverages, entertainment,~~
95 ~~research, communication, media advertising, publications,~~
96 ~~travel, and lodging~~. For each expenditure that is reported, the

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97 report must also include the full name and address of each
98 person by whom the expenditure was made, the date of the
99 expenditure, and the name and title of the member or employee of
100 the Legislature for whom the expenditure was made. Lobbying
101 expenditures do not include a lobbyist's or principal's salary,
102 office expenses, and personal expenses for lodging, meals, and
103 travel.

104 ~~(b) If a principal is represented by two or more~~
105 ~~lobbyists, the first lobbyist who registers to represent that~~
106 ~~principal shall be the designated lobbyist. The designated~~
107 ~~lobbyist's expenditure report shall include all lobbying~~
108 ~~expenditures made directly by the principal and those~~
109 ~~expenditures of the designated lobbyist on behalf of that~~
110 ~~principal as required by paragraph (a). All other lobbyists~~
111 ~~registered to represent that principal shall file a report~~
112 ~~pursuant to paragraph (a). The report of lobbying expenditures~~
113 ~~by the principal shall be made pursuant to the requirements of~~
114 ~~paragraph (a). The principal is responsible for the accuracy of~~
115 ~~figures reported by the designated lobbyist as lobbying~~
116 ~~expenditures made directly by the principal. The designated~~
117 ~~lobbyist is responsible for the accuracy of the figures reported~~
118 ~~as lobbying expenditures made by that lobbyist. Each recipient~~
119 ~~of a lobbying expenditure lobbyist shall file an expenditure~~
120 ~~report for each period during any portion of which he or she~~
121 ~~received a lobbying expenditure was registered, and each~~
122 ~~principal shall ensure that an expenditure report is filed for~~

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123 ~~each period during any portion of which the principal was~~
124 ~~represented by a registered lobbyist.~~

125 (c) For each reporting period the division shall aggregate
126 the expenditures reported by all of the recipients of lobbying
127 expenditures made by lobbyists for a principal represented by
128 more than one lobbyist. Further, the division shall aggregate
129 figures that provide a cumulative total of expenditures reported
130 as spent by and on behalf of each principal for the calendar
131 year.

132 (d) The expenditure reporting statements shall be filed no
133 later than 45 days after the end of each ~~the~~ reporting period.
134 During legislative session, the weekly reporting periods begin
135 each Saturday or the first day of legislative session, and the
136 weekly reporting periods end each Friday or the last day of
137 legislative session. During all times when the Legislature is
138 not in session, the four quarterly reporting periods are ~~The~~
139 ~~first report shall include the expenditures for the period from~~
140 ~~January 1 through~~ March 31, April 1 through June 30, July 1
141 through September 30, and October 1 through December 31,
142 respectively ~~June 30. The second report shall disclose~~
143 ~~expenditures for the period from July 1 through December 31.~~ The
144 statements shall be rendered in the identical form provided by
145 the respective houses and shall be open to public inspection.
146 Reporting statements may be filed by electronic means, when
147 feasible.

148 (e) Reports shall be filed not later than 5 p.m. of the
149 report due date. However, any report that is postmarked by the
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150 United States Postal Service no later than midnight of the due
151 date shall be deemed to have been filed in a timely manner, and
152 a certificate of mailing obtained from and dated by the United
153 States Postal Service at the time of the mailing, or a receipt
154 from an established courier company which bears a date on or
155 before the due date, shall be proof of mailing in a timely
156 manner.

157 (f) Each house of the Legislature shall provide by rule,
158 or both houses may provide by joint rule, a procedure by which a
159 recipient of a lobbying expenditure lobbyist who fails to timely
160 file a report shall be notified and assessed fines. The rule
161 shall provide for the following:

162 1. Upon determining that the report is late, the person
163 designated to review the timeliness of reports shall immediately
164 notify the recipient of a lobbying expenditure lobbyist as to
165 the failure to timely file the report and that a fine is being
166 assessed for each late day. The fine shall be \$50 per day per
167 report for each late day, not to exceed \$5,000 per report.

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

171 a. When a report is actually received by the lobbyist
172 registration and reporting office.

173 b. When the report is postmarked.

174 c. When the certificate of mailing is dated.

175 d. When the receipt from an established courier company is
176 dated.

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177 3. Such fine shall be paid within 30 days after the notice
178 of payment due is transmitted by the Lobbyist Registration
179 Office, unless appeal is made to the division. The moneys shall
180 be deposited into the Legislative Lobbyist Registration Trust
181 Fund.

182 4. A fine shall not be assessed against a recipient of a
183 lobbying expenditure lobbyist the first time any reports for
184 which the recipient of a lobbying expenditure lobbyist is
185 responsible are not timely filed. However, to receive the one-
186 time fine waiver, all reports for which the recipient of a
187 lobbying expenditure lobbyist is responsible must be filed
188 within 30 days after notice that any reports have not been
189 timely filed is transmitted by the Lobbyist Registration Office.
190 A fine shall be assessed for any subsequent late-filed reports.

191 5. Any recipient of a lobbying expenditure lobbyist may
192 appeal or dispute a fine, based upon unusual circumstances
193 surrounding the failure to file on the designated due date, and
194 may request and shall be entitled to a hearing before the
195 General Counsel of the Office of Legislative Services, who shall
196 recommend to the President of the Senate and the Speaker of the
197 House of Representatives, or their respective designees, that
198 the fine be waived in whole or in part for good cause shown. The
199 President of the Senate and the Speaker of the House of
200 Representatives, or their respective designees, may concur in
201 the recommendation and waive the fine in whole or in part. Any
202 such request shall be made within 30 days after the notice of
203 payment due is transmitted by the Lobbyist Registration Office.

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204 In such case, the recipient of a lobbying expenditure lobbyist
205 shall, within the 30-day period, notify the person designated to
206 review the timeliness of reports in writing of his or her
207 intention to request a hearing.

208 6. A recipient of a lobbying expenditure lobbyist, a
209 ~~lobbyist's legal representative, or the principal of a lobbyist~~
210 may request that the filing of an expenditure report be waived
211 upon good cause shown, based on unusual circumstances. The
212 request must be filed with the General Counsel of the Office of
213 Legislative Services, who shall make a recommendation concerning
214 the waiver request to the President of the Senate and the
215 Speaker of the House of Representatives. The President of the
216 Senate and the Speaker of the House of Representatives may grant
217 or deny the request.

218 7. The registration of a lobbyist who fails to timely pay
219 a fine is automatically suspended until the fine is paid or
220 waived.

221 ~~8.7.~~ The person designated to review the timeliness of
222 reports shall notify the director of the division of the failure
223 of a recipient of a lobbying expenditure lobbyist to file a
224 report after notice or of the failure of a recipient of a
225 lobbying expenditure lobbyist to pay the fine imposed.

226 (4) Notwithstanding s. 112.3148, s. 112.3149, or any other
227 provision of law to the contrary, a recipient of lobbying
228 expenditures shall report received expenditures of any value.

229 (5)(4) Each house of the Legislature shall provide by rule
230 a procedure by which a person, when in doubt about the
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231 applicability and interpretation of this section in a particular
232 context, may submit in writing the facts for an advisory opinion
233 to the committee of either house and may appear in person before
234 the committee. The rule shall provide a procedure by which:

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

238 (b) The committee shall make sufficient deletions to
239 prevent disclosing the identity of persons in the decisions or
240 opinions.

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

243 ~~(6)(5)~~ Each house of the Legislature shall provide by rule
244 for keeping keep all advisory opinions of the committees
245 relating to recipients of lobbying expenditures, lobbyists, and
246 lobbying activities., ~~as well as~~ The rule shall also provide
247 that each house keep a current list of registered lobbyists and
248 their respective reports required under this section, along with
249 reports required of recipients of lobbying expenditures under
250 this section, all of which shall be open for public inspection.

251 ~~(7)(6)~~ Each house of the Legislature shall provide by rule
252 that the committee of either house ~~shall~~ investigate any
253 recipient of a lobbying expenditure ~~person engaged in~~
254 ~~legislative lobbying~~ upon receipt of a sworn complaint alleging
255 a violation of this section, s. 112.3148, or s. 112.3149 by such
256 person. Such proceedings shall be conducted pursuant to the
257 rules of the respective houses. If the committee finds that

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HOUSE AMENDMENT

Bill No. HB 63B

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258 | there has been a violation of this section, s. 112.3148, or s.
259 | 112.3149, it shall report its findings to the President of the
260 | Senate or the Speaker of the House of Representatives, as
261 | appropriate, together with a recommended penalty, to include a
262 | fine of not more than \$5,000, reprimand, censure, probation, or
263 | prohibition from lobbying for a period of time not to exceed 24
264 | months. Upon the receipt of such report, the President of the
265 | Senate or the Speaker of the House of Representatives shall
266 | cause the committee report and recommendations to be brought
267 | before the respective house and a final determination shall be
268 | made by a majority of said house.

269 | ~~(8)~~(7) Any person required to be registered or to provide
270 | information pursuant to this section or pursuant to rules
271 | established in conformity with this section who knowingly fails
272 | to disclose any material fact required by this section or by
273 | rules established in conformity with this section, or who
274 | knowingly provides false information on any report required by
275 | this section or by rules established in conformity with this
276 | section, commits a noncriminal infraction, punishable by a fine
277 | not to exceed \$5,000. Such penalty shall be in addition to any
278 | other penalty assessed by a house of the Legislature pursuant to
279 | subsection ~~(7)~~(6).

280 | ~~(9)~~(8) There is hereby created the Legislative Lobbyist
281 | Registration Trust Fund, to be used for the purpose of funding
282 | any office established for the administration of the
283 | registration of lobbyist lobbying the Legislature, including the
284 | payment of salaries and other expenses, and for the purpose of
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285 | paying the expenses incurred by the Legislature in providing
286 | services to lobbyists. The trust fund is not subject to the
287 | service charge to general revenue provisions of chapter 215.
288 | Fees collected pursuant to rules established in accordance with
289 | subsection (2) shall be deposited into the Legislative Lobbyist
290 | Registration Trust Fund.

291 | Section 2. This act shall take effect January 1, 2006.

292 |

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

294 | Remove the entire title and insert:

295 | A bill to be entitled

296 | An act relating to lobbying; amending s. 11.045, F.S.,
297 | relating to the requirements that legislative lobbyists
298 | register and report as required by legislative rule;
299 | amending the definition for the term "lobbying"; revising
300 | the requirement to file lobbying expenditure reports to
301 | apply to recipients of the expenditures instead of
302 | lobbyists; removing the aggregate reporting categories on
303 | lobbying expenditure reporting forms; requiring lobbying
304 | expenditure reporting forms to include the name and
305 | address of each person by whom an expenditure was made,
306 | date of the expenditure, and the name and title of the
307 | legislator or employee for whom the expenditure was made;
308 | revising the period for filing expenditure reporting
309 | statements; requiring recipients of lobbying expenditures
310 | to report received expenditures of any value; providing
311 | for the Legislature to adopt rules to maintain and make

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HOUSE AMENDMENT

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312 | publicly available all advisory opinions and reports
313 | relating to recipients of lobbying expenditures, to
314 | conform; providing for the Legislature to adopt rules
315 | authorizing legislative committees to investigate certain
316 | persons and entities engaged in legislative lobbying;
317 | providing an effective date.

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