

1 A bill to be entitled
2 An act relating to lobbying; amending ss. 11.045 and
3 112.3215, F.S., relating to registration and reporting
4 requirements for legislative lobbyists and lobbyists of
5 the executive branch and Constitution Revision Commission;
6 providing and amending definitions; requiring each
7 principal upon the registration of the principal's
8 designated lobbyist to identify the principal's main
9 business; requiring each lobbying firm and principal to
10 maintain certain records and documents for a specified
11 period; specifying judicial jurisdiction for enforcing the
12 right to subpoena certain documents and records for audit;
13 deleting the requirement for lobbyists to file expenditure
14 reports; requiring each lobbying firm to file quarterly
15 compensation reports; requiring each lobbying firm to
16 report certain compensation information in dollar
17 categories and specific dollar amounts; requiring certain
18 lobbying firms to report the name and address of the
19 principal originating lobbying work; providing for
20 certification of compensation reports; requiring the
21 Division of Legislative Information Services and the
22 Commission on Ethics to aggregate certain compensation
23 information; revising the periods for filing compensation
24 reporting statements; prescribing procedures for
25 determining late-filing fines for compensation reports;
26 prescribing fines and penalties for compensation-reporting
27 violations; providing exceptions; prohibiting lobbying
28 expenditures, except for certain floral arrangements and

29 celebratory items; prohibiting principals from providing
30 lobbying compensation to any individual or business entity
31 other than a lobbying firm; providing for the Legislature
32 to adopt rules to maintain and make publicly available all
33 advisory opinions and reports relating to lobbying firms,
34 to conform; providing for the Legislature to adopt rules
35 authorizing legislative committees to investigate certain
36 persons and entities engaged in legislative lobbying;
37 providing for the commission to investigate certain
38 lobbying firms for lobbying report violations; providing
39 procedures for disposing of lobbying report investigations
40 and proceedings; providing penalties; providing for public
41 access to certain records; authorizing the commission to
42 adopt administration rules and forms relating to
43 compensation reporting; requiring compensation reports to
44 be filed electronically; creating ss. 11.0455 and
45 112.32155, F.S.; defining the term "electronic filing
46 system"; providing requirements for lobbying firms filing
47 reports with the Division of Legislative Information
48 Services and the Commission on Ethics by means of the
49 division's and the commission's electronic filing systems;
50 providing that such reports are considered to be certified
51 as accurate and complete; providing requirements for the
52 electronic filing system; providing for the Legislature
53 and the commission to adopt rules to administer the
54 electronic filing system; requiring alternate filing
55 procedures; requiring the issuance of electronic receipts;
56 requiring that the division and the commission provide for

57 public access to certain data; amending s. 11.40, F.S.;
58 requiring that the Legislative Auditing Committee conduct
59 random audits of the compensation reports filed by
60 legislative branch and executive branch lobbying firms;
61 providing definitions; prescribing conditions for the
62 random selection; directing the committee to provide for a
63 system to select lobbying firms to be audited; requiring
64 the committee to create and maintain a list of approved
65 auditors; authorizing certain lobbying firms the ability
66 to select an auditor from an approved list; prohibiting an
67 auditor to audit lobbying firms under specified
68 circumstances; requiring a sworn certification from the
69 auditor and the lobbying firm being audited; providing for
70 certain auditors to be solely engaged and compensated by
71 the state; providing the required contents of the audit
72 report; providing for the determination of violations of
73 law to be made by Legislative rule; prescribing a standard
74 of cooperation by lobbying firms being audited; providing
75 guidelines for the committee to establish procedures for
76 the selection of independent contractors; requiring the
77 committee to adopt guidelines that govern random audits
78 and field investigations; requiring that legislative
79 lobbying audit reports be forwarded to the Legislature and
80 executive lobbying audit reports be sent to the Commission
81 on Ethics; specifying the initial reporting period that is
82 subject to the requirements of the act; providing
83 effective dates.

84

85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Section 11.045, Florida Statutes, is amended to
88 read:

89 11.045 Lobbying before the Legislature ~~Lobbyists~~;
90 registration and reporting; exemptions; penalties.--

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

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

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

100 (c)~~(b)~~ "Division" means the Division of Legislative
101 Information Services within the Office of Legislative Services.

102 (d)~~(e)~~ "Expenditure" means a payment, distribution, loan,
103 advance, reimbursement, deposit, or anything of value made by a
104 lobbyist or principal for the purpose of lobbying. A
105 contribution made to a political party regulated under chapter
106 103 is not deemed an expenditure for purposes of this section.

107 (e)~~(d)~~ "Legislative action" means introduction,
108 sponsorship, testimony, debate, voting, or any other official
109 action on any measure, resolution, amendment, nomination,
110 appointment, or report of, or any matter which may be the
111 subject of action by, either house of the Legislature or any
112 committee thereof.

113 ~~(f)(e)~~ "Lobbying" means influencing or attempting to
114 influence legislative action or nonaction through oral or
115 written communication or an attempt to obtain the goodwill of a
116 member or employee of the Legislature.

117 (g) "Lobbying firm" means any business entity, including
118 an individual contract lobbyist, that receives or becomes
119 entitled to receive any compensation for the purpose of
120 lobbying, where any partner, owner, officer, or employee of the
121 business entity is a lobbyist.

122 ~~(h)(f)~~ "Lobbyist" means a person who is employed and
123 receives payment, or who contracts for economic consideration,
124 for the purpose of lobbying, or a person who is principally
125 employed for governmental affairs by another person or
126 governmental entity to lobby on behalf of that other person or
127 governmental entity.

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

130 (2) Each house of the Legislature shall provide by rule,
131 or may provide by a joint rule adopted by both houses, for the
132 registration of lobbyists who lobby the Legislature. The rule
133 may provide for the payment of a registration fee. The rule may
134 provide for exemptions from registration or registration fees.
135 The rule shall provide that:

136 (a) Registration is required for each principal
137 represented.

138 (b) Registration shall include a statement signed by the
139 principal or principal's representative that the registrant is
140 authorized to represent the principal. The principal shall also

141 identify and designate its main business on the statement
 142 authorizing that lobbyist pursuant to a classification system
 143 approved by the Office of Legislative Services.

144 (c) A registrant shall promptly send a written statement
 145 to the division canceling the registration for a principal upon
 146 termination of the lobbyist's representation of that principal.
 147 Notwithstanding this requirement, the division may remove the
 148 name of a registrant from the list of registered lobbyists if
 149 the principal notifies the office that a person is no longer
 150 authorized to represent that principal.

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

154 (e) Each lobbying firm ~~lobbyist~~ and each principal shall
 155 preserve for a period of 4 years all accounts, bills, receipts,
 156 computer records, books, papers, and other documents and records
 157 necessary to substantiate compensation ~~lobbying expenditures~~.
 158 Any documents and records retained pursuant to this section may
 159 be subpoenaed for audit by legislative subpoena of either house
 160 of the Legislature, and the subpoena inspected under reasonable
 161 ~~circumstances by any authorized representative of the~~
 162 ~~Legislature. The right of inspection may be enforced in circuit~~
 163 ~~court by appropriate writ issued by any court of competent~~
 164 ~~jurisdiction.~~

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

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

168 (3) Each house of the Legislature shall provide by rule

169 the following reporting requirements:

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

174 a. Full name, business address, and telephone number of
 175 the lobbying firm;

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

177 c. Total compensation provided or owed to the lobbying
 178 firm from all principals for the reporting period, reported in
 179 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 180 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 181 \$999,999; \$1 million or more.

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

185 a. Full name, business address, and telephone number of
 186 the principal; and

187 b. Total compensation provided or owed to the lobbying
 188 firm for the reporting period, reported in one of the following
 189 categories: \$0; \$1 to \$19,999; \$20,000 to \$39,999; \$40,000 to
 190 \$59,999; and \$60,000 or more. If the category "\$60,000 or more"
 191 is selected, the specific dollar amount of compensation must be
 192 reported, rounded up or down to the nearest \$1,000.

193 3. If the lobbying firm subcontracts work from another
 194 lobbying firm and not from the original principal:

195 a. The lobbying firm providing the work to be
 196 subcontracted shall be treated as the reporting lobbying firm's

197 principal for reporting purposes under this paragraph; and

198 b. The reporting lobbying firm shall, for each lobbying
 199 firm identified under subparagraph 2., identify the name and
 200 address of the principal originating the lobbying work.

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

204 (b) For each principal represented by more than one
 205 lobbying firm, the division shall aggregate the reporting-period
 206 and calendar-year compensation reported as provided or owed by
 207 the principal.

208 ~~(a) Statements shall be filed by all registered lobbyists~~
 209 ~~two times per year, which must disclose all lobbying~~
 210 ~~expenditures by the lobbyist and the principal and the source of~~
 211 ~~funds for such expenditures. All expenditures made by the~~
 212 ~~lobbyist and the principal for the purpose of lobbying must be~~
 213 ~~reported. Reporting of expenditures shall be made on an accrual~~
 214 ~~basis. The report of such expenditures must identify whether the~~
 215 ~~expenditure was made directly by the lobbyist, directly by the~~
 216 ~~principal, initiated or expended by the lobbyist and paid for by~~
 217 ~~the principal, or initiated or expended by the principal and~~
 218 ~~paid for by the lobbyist. The principal is responsible for the~~
 219 ~~accuracy of the expenditures reported as lobbying expenditures~~
 220 ~~made by the principal. The lobbyist is responsible for the~~
 221 ~~accuracy of the expenditures reported as lobbying expenditures~~
 222 ~~made by the lobbyist. Expenditures made must be reported by the~~
 223 ~~category of the expenditure, including, but not limited to, the~~
 224 ~~categories of food and beverages, entertainment, research,~~

225 ~~communication, media advertising, publications, travel, and~~
226 ~~lodging. Lobbying expenditures do not include a lobbyist's or~~
227 ~~principal's salary, office expenses, and personal expenses for~~
228 ~~lodging, meals, and travel.~~

229 ~~(b) If a principal is represented by two or more~~
230 ~~lobbyists, the first lobbyist who registers to represent that~~
231 ~~principal shall be the designated lobbyist. The designated~~
232 ~~lobbyist's expenditure report shall include all lobbying~~
233 ~~expenditures made directly by the principal and those~~
234 ~~expenditures of the designated lobbyist on behalf of that~~
235 ~~principal as required by paragraph (a). All other lobbyists~~
236 ~~registered to represent that principal shall file a report~~
237 ~~pursuant to paragraph (a). The report of lobbying expenditures~~
238 ~~by the principal shall be made pursuant to the requirements of~~
239 ~~paragraph (a). The principal is responsible for the accuracy of~~
240 ~~figures reported by the designated lobbyist as lobbying~~
241 ~~expenditures made directly by the principal. The designated~~
242 ~~lobbyist is responsible for the accuracy of the figures reported~~
243 ~~as lobbying expenditures made by that lobbyist. Each lobbyist~~
244 ~~shall file an expenditure report for each period during any~~
245 ~~portion of which he or she was registered, and each principal~~
246 ~~shall ensure that an expenditure report is filed for each period~~
247 ~~during any portion of which the principal was represented by a~~
248 ~~registered lobbyist.~~

249 ~~(c) For each reporting period the division shall aggregate~~
250 ~~the expenditures reported by all of the lobbyists for a~~
251 ~~principal represented by more than one lobbyist. Further, the~~
252 ~~division shall aggregate figures that provide a cumulative total~~

253 ~~of expenditures reported as spent by and on behalf of each~~
 254 ~~principal for the calendar year.~~

255 (c)~~(d)~~ The reporting statements shall be filed no later
 256 than 45 days after the end of each ~~the~~ reporting period. The
 257 four reporting periods are ~~The first report shall include the~~
 258 ~~expenditures for the period~~ from January 1 through March 31,
 259 April 1 through June 30, July 1 through September 30, and
 260 October 1 through December 31, respectively ~~June 30. The second~~
 261 ~~report shall disclose expenditures for the period from July 1~~
 262 ~~through December 31.~~ The statements shall be rendered in the
 263 identical form provided by the respective houses and shall be
 264 open to public inspection. Reporting statements may be filed by
 265 electronic means, when feasible.

266 (d)~~(e)~~ Reports shall be filed not later than 5 p.m. of the
 267 report due date. However, any report that is postmarked by the
 268 United States Postal Service no later than midnight of the due
 269 date shall be deemed to have been filed in a timely manner, and
 270 a certificate of mailing obtained from and dated by the United
 271 States Postal Service at the time of the mailing, or a receipt
 272 from an established courier company which bears a date on or
 273 before the due date, shall be proof of mailing in a timely
 274 manner.

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

- 280 1. Upon determining that the report is late, the person

281 designated to review the timeliness of reports shall immediately
 282 notify the lobbying firm ~~lobbyist~~ as to the failure to timely
 283 file the report and that a fine is being assessed for each late
 284 day. The fine shall be \$50 per day per report for each late day,
 285 not to exceed \$5,000 per report.

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

289 a. When a report is actually received by the lobbyist
 290 registration and reporting office.

291 b. When the report is postmarked.

292 c. When the certificate of mailing is dated.

293 d. When the receipt from an established courier company is
 294 dated.

295 3. Such fine shall be paid within 30 days after the notice
 296 of payment due is transmitted by the Lobbyist Registration
 297 Office, unless appeal is made to the division. The moneys shall
 298 be deposited into the Legislative Lobbyist Registration Trust
 299 Fund.

300 4. A fine shall not be assessed against a lobbying firm
 301 ~~lobbyist~~ the first time any reports for which the lobbying firm
 302 ~~lobbyist~~ is responsible are not timely filed. However, to
 303 receive the one-time fine waiver, all reports for which the
 304 lobbying firm ~~lobbyist~~ is responsible must be filed within 30
 305 days after notice that any reports have not been timely filed is
 306 transmitted by the Lobbyist Registration Office. A fine shall be
 307 assessed for any subsequent late-filed reports.

308 5. Any lobbying firm ~~lobbyist~~ may appeal or dispute a

309 fine, based upon unusual circumstances surrounding the failure
 310 to file on the designated due date, and may request and shall be
 311 entitled to a hearing before the General Counsel of the Office
 312 of Legislative Services, who shall recommend to the President of
 313 the Senate and the Speaker of the House of Representatives, or
 314 their respective designees, that the fine be waived in whole or
 315 in part for good cause shown. The President of the Senate and
 316 the Speaker of the House of Representatives, or their respective
 317 designees, may concur in the recommendation and waive the fine
 318 in whole or in part. Any such request shall be made within 30
 319 days after the notice of payment due is transmitted by the
 320 Lobbyist Registration Office. In such case, the lobbying firm
 321 ~~lobbyist~~ shall, within the 30-day period, notify the person
 322 designated to review the timeliness of reports in writing of his
 323 or her intention to request a hearing.

324 6. A lobbying firm lobbyist, ~~a lobbyist's legal~~
 325 ~~representative, or the principal of a lobbyist~~ may request that
 326 the filing of a ~~an expenditure~~ report be waived upon good cause
 327 shown, based on unusual circumstances. The request must be filed
 328 with the General Counsel of the Office of Legislative Services,
 329 who shall make a recommendation concerning the waiver request to
 330 the President of the Senate and the Speaker of the House of
 331 Representatives. The President of the Senate and the Speaker of
 332 the House of Representatives may grant or deny the request.

333 7. All lobbyist registrations for lobbyists who are
 334 partners, owners, officers, or employees of a lobbying firm that
 335 fails to timely pay a fine are automatically suspended until the
 336 fine is paid or waived, and the division shall promptly notify

337 all affected principals of any suspension or reinstatement. The
 338 registration of a lobbyist who fails to timely pay a fine is
 339 automatically suspended until the fine is paid or waived.

340 ~~8.7.~~ The person designated to review the timeliness of
 341 reports shall notify the director of the division of the failure
 342 of a lobbying firm lobbyist to file a report after notice or of
 343 the failure of a lobbying firm lobbyist to pay the fine imposed.

344 (4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
 345 other provision of law to the contrary, no lobbyist or principal
 346 shall make, directly or indirectly, and no member or employee of
 347 the Legislature shall knowingly accept, directly or indirectly,
 348 any lobbying expenditure, except floral arrangements or other
 349 celebratory items given to legislators and displayed in chambers
 350 the opening day of a regular session.

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

353 ~~(5)(4)~~ Each house of the Legislature shall provide by rule
 354 a procedure by which a person, when in doubt about the
 355 applicability and interpretation of this section in a particular
 356 context, may submit in writing the facts for an advisory opinion
 357 to the committee of either house and may appear in person before
 358 the committee. The rule shall provide a procedure by which:

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

362 (b) The committee shall make sufficient deletions to
 363 prevent disclosing the identity of persons in the decisions or
 364 opinions.

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

367 ~~(6)(5)~~ Each house of the Legislature shall provide by rule
 368 for keeping ~~keep~~ all advisory opinions of the committees
 369 relating to lobbying firms, lobbyists, and lobbying activities.
 370 ~~as well as~~ The rule shall also provide that each house keep a
 371 current list of registered lobbyists along with ~~and their~~
 372 ~~respective~~ reports required of lobbying firms under this
 373 section, all of which shall be open for public inspection.

374 ~~(7)(6)~~ Each house of the Legislature shall provide by rule
 375 that a ~~the~~ committee of either house ~~shall~~ investigate any
 376 person ~~engaged in legislative lobbying~~ upon receipt of a sworn
 377 complaint alleging a violation of this section, s. 112.3148, or
 378 s. 112.3149 by such person; also, the rule shall provide that a
 379 committee of either house investigate any lobbying firm upon
 380 receipt of audit information indicating a possible violation
 381 other than a late-filed report. Such proceedings shall be
 382 conducted pursuant to the rules of the respective houses. If the
 383 committee finds that there has been a violation of this section,
 384 s. 112.3148, or s. 112.3149, it shall report its findings to the
 385 President of the Senate or the Speaker of the House of
 386 Representatives, as appropriate, together with a recommended
 387 penalty, to include a fine of not more than \$5,000, reprimand,
 388 censure, probation, or prohibition from lobbying for a period of
 389 time not to exceed 24 months. Upon the receipt of such report,
 390 the President of the Senate or the Speaker of the House of
 391 Representatives shall cause the committee report and
 392 recommendations to be brought before the respective house and a

393 final determination shall be made by a majority of said house.

394 (8)~~(7)~~ Any person required to be registered or to provide
 395 information pursuant to this section or pursuant to rules
 396 established in conformity with this section who knowingly fails
 397 to disclose any material fact required by this section or by
 398 rules established in conformity with this section, or who
 399 knowingly provides false information on any report required by
 400 this section or by rules established in conformity with this
 401 section, commits a noncriminal infraction, punishable by a fine
 402 not to exceed \$5,000. Such penalty shall be in addition to any
 403 other penalty assessed by a house of the Legislature pursuant to
 404 subsection (7)~~(6)~~.

405 (9)~~(8)~~ There is hereby created the Legislative Lobbyist
 406 Registration Trust Fund, to be used for the purpose of funding
 407 any office established for the administration of the
 408 registration of lobbyist lobbying the Legislature, including the
 409 payment of salaries and other expenses, and for the purpose of
 410 paying the expenses incurred by the Legislature in providing
 411 services to lobbyists. The trust fund is not subject to the
 412 service charge to general revenue provisions of chapter 215.
 413 Fees collected pursuant to rules established in accordance with
 414 subsection (2) shall be deposited into the Legislative Lobbyist
 415 Registration Trust Fund.

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

419 11.045 Lobbying before the Legislature; registration and
 420 reporting; exemptions; penalties.--

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

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

427 a. Full name, business address, and telephone number of
 428 the lobbying firm;

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

430 c. Total compensation provided or owed to the lobbying
 431 firm from all principals for the reporting period, reported in
 432 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 433 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 434 \$999,999; \$1 million or more.

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

438 a. Full name, business address, and telephone number of
 439 the principal; and

440 b. Total compensation provided or owed to the lobbying
 441 firm for the reporting period, reported in one of the following
 442 categories: \$0; \$1 to \$19,999; \$20,000 to \$39,999; \$40,000 to
 443 \$59,999; and \$60,000 or more. If the category "\$60,000 or more"
 444 is selected, the specific dollar amount of compensation must be
 445 reported, rounded up or down to the nearest \$1,000.

446 3. If the lobbying firm subcontracts work from another
 447 lobbying firm and not from the original principal:

448 a. The lobbying firm providing the work to be

449 subcontracted shall be treated as the reporting lobbying firm's
450 principal for reporting purposes under this paragraph; and

451 b. The reporting lobbying firm shall, for each lobbying
452 firm identified under subparagraph 2., identify the name and
453 address of the principal originating the lobbying work.

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

457 (b) For each principal represented by more than one
458 lobbying firm, the division shall aggregate the reporting-period
459 and calendar-year compensation reported as provided or owed by
460 the principal.

461 (c) The reporting statements shall be filed no later than
462 45 days after the end of each reporting period. The four
463 reporting periods are from January 1 through March 31, April 1
464 through June 30, July 1 through September 30, and October 1
465 through December 31, respectively. The statements shall be
466 rendered in the identical form provided by the respective houses
467 and shall be open to public inspection. Reporting statements
468 must ~~may~~ be filed by electronic means as provided in s. 11.0455,
469 ~~when feasible.~~

470 ~~(d) Reports shall be filed not later than 5 p.m. of the~~
471 ~~report due date. However, any report that is postmarked by the~~
472 ~~United States Postal Service no later than midnight of the due~~
473 ~~date shall be deemed to have been filed in a timely manner, and~~
474 ~~a certificate of mailing obtained from and dated by the United~~
475 ~~States Postal Service at the time of the mailing, or a receipt~~
476 ~~from an established courier company which bears a date on or~~

477 ~~before the due date, shall be proof of mailing in a timely~~
 478 ~~manner.~~

479 (d)~~(e)~~ Each house of the Legislature shall provide by
 480 rule, or both houses may provide by joint rule, a procedure by
 481 which a lobbying firm that fails to timely file a report shall
 482 be notified and assessed fines. The rule shall provide for the
 483 following:

484 1. Upon determining that the report is late, the person
 485 designated to review the timeliness of reports shall immediately
 486 notify the lobbying firm as to the failure to timely file the
 487 report and that a fine is being assessed for each late day. The
 488 fine shall be \$50 per day per report for each late day, not to
 489 exceed \$5,000 per report.

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

493 a. When a report is actually received by the lobbyist
 494 registration and reporting office.

495 b. When the electronic receipt issued pursuant to s.
 496 11.0455 is dated. ~~When the report is postmarked.~~

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

498 ~~d. When the receipt from an established courier company is~~
 499 ~~dated.~~

500 3. Such fine shall be paid within 30 days after the notice
 501 of payment due is transmitted by the Lobbyist Registration
 502 Office, unless appeal is made to the division. The moneys shall
 503 be deposited into the Legislative Lobbyist Registration Trust
 504 Fund.

505 4. A fine shall not be assessed against a lobbying firm
506 the first time any reports for which the lobbying firm is
507 responsible are not timely filed. However, to receive the one-
508 time fine waiver, all reports for which the lobbying firm is
509 responsible must be filed within 30 days after notice that any
510 reports have not been timely filed is transmitted by the
511 Lobbyist Registration Office. A fine shall be assessed for any
512 subsequent late-filed reports.

513 5. Any lobbying firm may appeal or dispute a fine, based
514 upon unusual circumstances surrounding the failure to file on
515 the designated due date, and may request and shall be entitled
516 to a hearing before the General Counsel of the Office of
517 Legislative Services, who shall recommend to the President of
518 the Senate and the Speaker of the House of Representatives, or
519 their respective designees, that the fine be waived in whole or
520 in part for good cause shown. The President of the Senate and
521 the Speaker of the House of Representatives, or their respective
522 designees, may concur in the recommendation and waive the fine
523 in whole or in part. Any such request shall be made within 30
524 days after the notice of payment due is transmitted by the
525 Lobbyist Registration Office. In such case, the lobbying firm
526 shall, within the 30-day period, notify the person designated to
527 review the timeliness of reports in writing of his or her
528 intention to request a hearing.

529 6. A lobbying firm may request that the filing of a report
530 be waived upon good cause shown, based on unusual circumstances.
531 The request must be filed with the General Counsel of the Office
532 of Legislative Services, who shall make a recommendation

533 concerning the waiver request to the President of the Senate and
 534 the Speaker of the House of Representatives. The President of
 535 the Senate and the Speaker of the House of Representatives may
 536 grant or deny the request.

537 7. All lobbyist registrations for lobbyists who are
 538 partners, owners, officers, or employees of a lobbying firm that
 539 fails to timely pay a fine are automatically suspended until the
 540 fine is paid or waived, and the division shall promptly notify
 541 all affected principals of any suspension or reinstatement.

542 8. The person designated to review the timeliness of
 543 reports shall notify the director of the division of the failure
 544 of a lobbying firm to file a report after notice or of the
 545 failure of a lobbying firm to pay the fine imposed.

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

548 11.0455 Electronic filing of compensation reports and
 549 other information.--

550 (1) As used in this section, the term "electronic filing
 551 system" means an Internet system for recording and reporting
 552 lobbying compensation and other required information by
 553 reporting period.

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

558 (3) A report filed pursuant to this section must be
 559 completed and filed through the electronic filing system not
 560 later than 11:59 p.m. of the day designated in s. 11.045. A

561 report not filed by 11:59 p.m. of the day designated is a late-
562 filed report and is subject to the penalties under s. 11.045(3).

563 (4) Each report filed pursuant to this section is
564 considered to be certified as accurate and complete by the
565 lobbying firm, and such firm is subject to the provisions of ss.
566 11.045(7) and (8). Persons given a secure sign-on to the
567 electronic filing system are responsible for protecting it from
568 disclosure and are responsible for all filings using such
569 credentials, unless they have notified the division that their
570 credentials have been compromised.

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

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

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

576 (c) Provide for direct entry of compensation-report
577 information as well as upload of such information from software
578 authorized by the division.

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

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

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

587 (b) The issuance of an electronic receipt to the person
588 submitting the report indicating and verifying the date and time

589 that the report was filed.

590 (7) Each house of the Legislature shall provide by rule
591 that the division make all the data filed available on the
592 Internet in an easily understood and accessible format. The
593 Internet website shall also include, but not be limited to, the
594 names and business addresses of lobbyists, lobbying firms, and
595 principals, the affiliations between lobbyists and principals,
596 and the classification system designated and identified by each
597 principal pursuant to s. 11.045(2).

598 Section 4. Effective January 1, 2007, subsection (6) is
599 added to section 11.40, Florida Statutes, to read:

600 11.40 Legislative Auditing Committee.--

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

606 (b) Audits specified in this subsection cover the
607 quarterly compensation reports for the previous calendar year
608 for a random sample of 3 percent of all legislative branch
609 lobbying firms and a random sample of 3 percent of all executive
610 branch lobbying firms calculated using as the total number of
611 such lobbying firms those that were registered as of April 1 of
612 the preceding calendar year. The committee shall provide for a
613 system of random selection of the lobbying firms to be audited.

614 (c) The committee shall create and maintain a list of not
615 less than 10 independent contract auditors approved to conduct
616 the required audits. Each lobbying firm selected for audit in

617 the random audit process may designate one of the independent
 618 contract auditors from the committee's approved list. Upon
 619 failure for any reason of a lobbying firm selected in the random
 620 selection process to designate an independent contract auditor
 621 from the committee's list within 30 calendar days after being
 622 notified by the committee of its selection, the committee shall
 623 assign one of the available independent contract auditors from
 624 the approved list to perform the required audit. No independent
 625 contract auditor, whether designated by the lobbying firm or by
 626 the committee, may perform the audit of a lobbying firm where
 627 the auditor and lobbying firm have ever had a direct personal
 628 relationship or any professional accounting, auditing, tax
 629 advisory, or tax preparing relationship with each other. The
 630 committee shall obtain a written, sworn certification subject to
 631 s. 837.06, both from the randomly selected lobbying firm and
 632 from the proposed independent contract auditor, that no such
 633 relationship has ever existed.

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

637 (e) Any violations of law, deficiencies, or material
 638 misstatements discovered and noted in an audit report shall be
 639 clearly identified in the audit report and be determined under
 640 the rules of either house of the Legislature or under the joint
 641 rules, as applicable.

642 (f) If any lobbying firm fails to give full, frank, and
 643 prompt cooperation and access to books, records, and associated
 644 backup documents as requested in writing by the auditor, that

645 failure shall be clearly noted by the independent contract
646 auditor in the report of audit.

647 (g) The committee shall establish procedures for the
648 selection of independent contract auditors desiring to enter
649 into audit contracts pursuant to this subsection. Such
650 procedures shall include, but not be limited to, a rating system
651 that takes into account pertinent information, including the
652 independent contract auditor's fee proposals for participating
653 in the process. All contracts under this subsection between an
654 independent contract auditor and the Speaker of the House of
655 Representatives and the President of the Senate shall be
656 terminable by either party at any time upon written notice to
657 the other, and such contracts may contain such other terms and
658 conditions as the Speaker of the House of Representatives and
659 the President of the Senate deem appropriate under the
660 circumstances.

661 (h) The committee shall adopt guidelines that govern
662 random audits and field investigations conducted pursuant to
663 this subsection. The guidelines shall ensure that similarly
664 situated compensation reports are audited in a uniform manner.
665 The guidelines shall also be formulated to encourage compliance
666 and detect violations of the legislative and executive lobbying
667 compensation reporting requirements in ss. 11.045 and 112.3215
668 and to ensure that each audit is conducted with maximum
669 efficiency in a cost-effective manner. In adopting the
670 guidelines, the committee shall consider relevant guidelines and
671 standards of the American Institute of Certified Public
672 Accountants to the extent that such guidelines and standards are

673 applicable and consistent with the purposes set forth in this
 674 subsection.

675 (i) All audit reports of legislative lobbying firms shall,
 676 upon completion by an independent contract auditor, be delivered
 677 to the President of the Senate and the Speaker of the House of
 678 Representatives for their respective review and handling. All
 679 audit reports of executive branch lobbyists, upon completion by
 680 an independent contract auditor, shall be delivered by the
 681 auditor to the Commission on Ethics for handling under the Code
 682 of Ethics.

683 Section 5. Section 112.3215, Florida Statutes, is amended
 684 to read:

685 112.3215 Lobbying ~~Lobbyists~~ before the executive branch or
 686 the Constitution Revision Commission; registration and
 687 reporting; investigation by commission.--

688 (1) For the purposes of this section:

689 (a) "Agency" means the Governor, Governor and Cabinet, or
 690 any department, division, bureau, board, commission, or
 691 authority of the executive branch. In addition, "agency" shall
 692 mean the Constitution Revision Commission as provided by s. 2,
 693 Art. XI of the State Constitution.

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

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

701 ~~(d)(b)~~ "Expenditure" means a payment, distribution, loan,
 702 advance, reimbursement, deposit, or anything of value made by a
 703 lobbyist or principal for the purpose of lobbying. A
 704 contribution made to a political party regulated under chapter
 705 103 is not deemed an expenditure for purposes of this section.

706 ~~(e)(e)~~ "Fund" means the Executive Branch Lobby
 707 Registration Trust Fund.

708 ~~(f)(d)~~ "Lobbies" means seeking, on behalf of another
 709 person, to influence an agency with respect to a decision of the
 710 agency in the area of policy or procurement or an attempt to
 711 obtain the goodwill of an agency official or employee. "Lobbies"
 712 also means influencing or attempting to influence, on behalf of
 713 another, the Constitution Revision Commission's action or
 714 nonaction through oral or written communication or an attempt to
 715 obtain the goodwill of a member or employee of the Constitution
 716 Revision Commission.

717 ~~(g)~~ "Lobbying firm" means a business entity, including an
 718 individual contract lobbyist, that receives or becomes entitled
 719 to receive any compensation for the purpose of lobbying, where
 720 any partner, owner, officer, or employee of the business entity
 721 is a lobbyist.

722 ~~(h)(e)~~ "Lobbyist" means a person who is employed and
 723 receives payment, or who contracts for economic consideration,
 724 for the purpose of lobbying, or a person who is principally
 725 employed for governmental affairs by another person or
 726 governmental entity to lobby on behalf of that other person or
 727 governmental entity. "Lobbyist" does not include a person who
 728 is:

729 1. An attorney, or any person, who represents a client in
 730 a judicial proceeding or in a formal administrative proceeding
 731 conducted pursuant to chapter 120 or any other formal hearing
 732 before an agency, board, commission, or authority of this state.

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

736 3. A confidential informant who is providing, or wishes to
 737 provide, confidential information to be used for law enforcement
 738 purposes.

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

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

744 (2) The Executive Branch Lobby Registration Trust Fund is
 745 hereby created within the commission to be used for the purpose
 746 of funding any office established to administer the registration
 747 of lobbyists lobbying an agency, including the payment of
 748 salaries and other expenses. The trust fund is not subject to
 749 the service charge to General Revenue provisions of chapter 215.
 750 All annual registration fees collected pursuant to this section
 751 shall be deposited into such fund.

752 (3) A person may not lobby an agency until such person has
 753 registered as a lobbyist with the commission. Such registration
 754 shall be due upon initially being retained to lobby and is
 755 renewable on a calendar year basis thereafter. Upon registration
 756 the person shall provide a statement signed by the principal or

757 principal's representative that the registrant is authorized to
 758 represent the principal. The principal shall also identify and
 759 designate its main business on the statement authorizing that
 760 lobbyist pursuant to a classification system approved by the
 761 commission. The registration shall require each ~~the~~ lobbyist to
 762 disclose, under oath, the following information:

- 763 (a) Name and business address;
- 764 (b) The name and business address of each principal
 765 represented;
- 766 (c) His or her area of interest;
- 767 (d) The agencies before which he or she will appear; and
- 768 (e) The existence of any direct or indirect business
 769 association, partnership, or financial relationship with any
 770 employee of an agency with which he or she lobbies, or intends
 771 to lobby, as disclosed in the registration.

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

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

- 780 a. Full name, business address, and telephone number of
 781 the lobbying firm;
- 782 b. Name of each of the firm's lobbyists; and
- 783 c. Total compensation provided or owed to the lobbying
 784 firm from all principals for the reporting period, reported in

785 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 786 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 787 \$999,999; \$1 million or more.

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

791 a. Full name, business address, and telephone number of
 792 the principal; and

793 b. Total compensation provided or owed to the lobbying
 794 firm for the reporting period, reported in one of the following
 795 categories: \$0; \$1 to \$19,999; \$20,000 to \$39,999; \$40,000 to
 796 \$59,999; and \$60,000 or more. If the category "\$60,000 or more"
 797 is selected, the specific dollar amount of compensation must be
 798 reported, rounded up or down to the nearest \$1,000.

799 3. If the lobbying firm subcontracts work from another
 800 lobbying firm and not from the original principal:

801 a. The lobbying firm providing the work to be
 802 subcontracted shall be treated as the reporting lobbying firm's
 803 principal for reporting purposes under this paragraph; and

804 b. The reporting lobbying firm shall, for each lobbying
 805 firm identified under subparagraph 2., identify the name and
 806 address of the principal originating the lobbying work.

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

810 (b) For each principal represented by more than one
 811 lobbying firm, the commission shall aggregate the reporting-
 812 period and calendar-year compensation reported as provided or

813 owed by the principal.

814 ~~(a) A registered lobbyist must also submit to the~~
815 ~~commission, biannually, a signed expenditure report summarizing~~
816 ~~all lobbying expenditures by the lobbyist and the principal for~~
817 ~~each 6-month period during any portion of which the lobbyist is~~
818 ~~registered. All expenditures made by the lobbyist and the~~
819 ~~principal for the purpose of lobbying must be reported.~~
820 ~~Reporting of expenditures shall be on an accrual basis. The~~
821 ~~report of such expenditures must identify whether the~~
822 ~~expenditure was made directly by the lobbyist, directly by the~~
823 ~~principal, initiated or expended by the lobbyist and paid for by~~
824 ~~the principal, or initiated or expended by the principal and~~
825 ~~paid for by the lobbyist. The principal is responsible for the~~
826 ~~accuracy of the expenditures reported as lobbying expenditures~~
827 ~~made by the principal. The lobbyist is responsible for the~~
828 ~~accuracy of the expenditures reported as lobbying expenditures~~
829 ~~made by the lobbyist. Expenditures made must be reported by the~~
830 ~~category of the expenditure, including, but not limited to, the~~
831 ~~categories of food and beverages, entertainment, research,~~
832 ~~communication, media advertising, publications, travel, and~~
833 ~~lodging. Lobby expenditures do not include a lobbyist's or~~
834 ~~principal's salary, office expenses, and personal expenses for~~
835 ~~lodging, meals, and travel.~~

836 ~~(b) A principal who is represented by two or more~~
837 ~~lobbyists shall designate one lobbyist whose expenditure report~~
838 ~~shall include all lobbying expenditures made directly by the~~
839 ~~principal and those expenditures of the designated lobbyist on~~
840 ~~behalf of that principal as required by paragraph (a). All other~~

841 ~~lobbyists registered to represent that principal shall file a~~
 842 ~~report pursuant to paragraph (a). The report of lobbying~~
 843 ~~expenditures by the principal shall be made pursuant to the~~
 844 ~~requirements of paragraph (a). The principal is responsible for~~
 845 ~~the accuracy of figures reported by the designated lobbyist as~~
 846 ~~lobbying expenditures made directly by the principal. The~~
 847 ~~designated lobbyist is responsible for the accuracy of the~~
 848 ~~figures reported as lobbying expenditures made by that lobbyist.~~

849 ~~(c) For each reporting period the commission shall~~
 850 ~~aggregate the expenditures of all lobbyists for a principal~~
 851 ~~represented by more than one lobbyist. Further, the commission~~
 852 ~~shall aggregate figures that provide a cumulative total of~~
 853 ~~expenditures reported as spent by and on behalf of each~~
 854 ~~principal for the calendar year.~~

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

861 ~~(d)(e)~~ Reports shall be filed not later than 5 p.m. of the
 862 report due date. However, any report that is postmarked by the
 863 United States Postal Service no later than midnight of the due
 864 date shall be deemed to have been filed in a timely manner, and
 865 a certificate of mailing obtained from and dated by the United
 866 States Postal Service at the time of the mailing, or a receipt
 867 from an established courier company which bears a date on or
 868 before the due date, shall be proof of mailing in a timely

869 manner.

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

874 1. Upon determining that the report is late, the person
 875 designated to review the timeliness of reports shall immediately
 876 notify the lobbying firm ~~lobbyist~~ as to the failure to timely
 877 file the report and that a fine is being assessed for each late
 878 day. The fine shall be \$50 per day per report for each late day
 879 up to a maximum of \$5,000 per late report.

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

883 a. When a report is actually received by the lobbyist
 884 registration and reporting office.

885 b. When the report is postmarked.

886 c. When the certificate of mailing is dated.

887 d. When the receipt from an established courier company is
 888 dated.

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

894 4. A fine shall not be assessed against a lobbying firm
 895 ~~lobbyist~~ the first time any reports for which the lobbying firm
 896 ~~lobbyist~~ is responsible are not timely filed. However, to

897 receive the one-time fine waiver, all reports for which the
 898 lobbying firm lobbyist is responsible must be filed within 30
 899 days after the notice that any reports have not been timely
 900 filed is transmitted by the Lobbyist Registration Office. A fine
 901 shall be assessed for any subsequent late-filed reports.

902 5. Any lobbying firm lobbyist may appeal or dispute a
 903 fine, based upon unusual circumstances surrounding the failure
 904 to file on the designated due date, and may request and shall be
 905 entitled to a hearing before the commission, which shall have
 906 the authority to waive the fine in whole or in part for good
 907 cause shown. Any such request shall be made within 30 days after
 908 the notice of payment due is transmitted by the Lobbyist
 909 Registration Office. In such case, the lobbying firm lobbyist
 910 shall, within the 30-day period, notify the person designated to
 911 review the timeliness of reports in writing of his or her
 912 intention to bring the matter before the commission.

913 6. The person designated to review the timeliness of
 914 reports shall notify the commission of the failure of a lobbying
 915 firm lobbyist to file a report after notice or of the failure of
 916 a lobbying firm lobbyist to pay the fine imposed.

917 7. Notwithstanding any provision of chapter 120, any fine
 918 imposed under this subsection that is not waived by final order
 919 of the commission and that remains unpaid more than 60 days
 920 after the notice of payment due or more than 60 days after the
 921 commission renders a final order on the lobbying firm's
 922 ~~lobbyist's~~ appeal shall be collected by the Department of
 923 Financial Services as a claim, debt, or other obligation owed to
 924 the state, and the department may assign the collection of such

925 fine to a collection agent as provided in s. 17.20.

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

929 ~~(g)(h)~~ Each lobbying firm ~~lobbyist~~ and each principal
 930 shall preserve for a period of 4 years all accounts, bills,
 931 receipts, computer records, books, papers, and other documents
 932 and records necessary to substantiate compensation ~~lobbying~~
 933 ~~expenditures~~. Any documents and records retained pursuant to
 934 this section may be subpoenaed for audit by the Legislative
 935 Auditing Committee pursuant to s. 11.40, and such subpoena
 936 ~~inspected under reasonable circumstances by any authorized~~
 937 ~~representative of the commission. The right of inspection may be~~
 938 ~~enforced in circuit court by appropriate writ issued by any~~
 939 ~~court of competent jurisdiction.~~

940 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any
 941 other provision of law to the contrary, no lobbyist or principal
 942 shall make, directly or indirectly, and no agency official,
 943 member, or employee shall knowingly accept, directly or
 944 indirectly, any lobbying expenditure.

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

947 ~~(7)(6)~~ A lobbyist shall promptly send a written statement
 948 to the commission canceling the registration for a principal
 949 upon termination of the lobbyist's representation of that
 950 principal. Notwithstanding this requirement, the commission may
 951 remove the name of a lobbyist from the list of registered
 952 lobbyists if the principal notifies the office that a person is

953 no longer authorized to represent that principal. ~~Each lobbyist~~
 954 ~~is responsible for filing an expenditure report for each period~~
 955 ~~during any portion of which he or she was registered, and each~~
 956 ~~principal is responsible for seeing that an expenditure report~~
 957 ~~is filed for each period during any portion of which the~~
 958 ~~principal was represented by a registered lobbyist.~~

959 (8)(a)(7) The commission shall investigate every sworn
 960 complaint that is filed with it alleging that a person covered
 961 by this section has failed to register, has failed to submit a
 962 compensation ~~an expenditure~~ report, or has knowingly submitted
 963 false information in any report or registration required in this
 964 section.

965 (b) All proceedings, the complaint, and other records
 966 relating to the investigation are confidential and exempt from
 967 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 968 Constitution, and any meetings held pursuant to an investigation
 969 are exempt from the provisions of s. 286.011(1) and s. 24(b),
 970 Art. I of the State Constitution either until the alleged
 971 violator requests in writing that such investigation and
 972 associated records and meetings be made public or until the
 973 commission determines, based on the investigation, whether
 974 probable cause exists to believe that a violation has occurred.

975 (c) The commission shall investigate any lobbying firm,
 976 agency, officer, or employee upon receipt of information from a
 977 sworn complaint or from a random audit of lobbying reports
 978 indicating a possible violation other than a late-filed report.

979 (9)(8) If the commission finds no probable cause to
 980 believe that a violation of this section occurred, it shall

981 dismiss the complaint, whereupon the complaint, together with a
 982 written statement of the findings of the investigation and a
 983 summary of the facts, shall become a matter of public record,
 984 and the commission shall send a copy of the complaint, findings,
 985 and summary to the complainant and the alleged violator. If,
 986 after investigating information from a random audit of lobbying
 987 reports, the commission finds no probable cause to believe that
 988 a violation of this section occurred, a written statement of the
 989 findings of the investigation and a summary of the facts shall
 990 become a matter of public record, and the commission shall send
 991 a copy of the findings and summary to the alleged violator. If
 992 the commission finds probable cause to believe that a violation
 993 occurred, it shall report the results of its investigation to
 994 the Governor and Cabinet and send a copy of the report to the
 995 alleged violator by certified mail. Such notification and all
 996 documents made or received in the disposition of the complaint
 997 shall then become public records. Upon request submitted to the
 998 Governor and Cabinet in writing, any person whom the commission
 999 finds probable cause to believe has violated any provision of
 1000 this section shall be entitled to a public hearing. Such person
 1001 shall be deemed to have waived the right to a public hearing if
 1002 the request is not received within 14 days following the mailing
 1003 of the probable cause notification. However, the Governor and
 1004 Cabinet may on its own motion require a public hearing and may
 1005 conduct such further investigation as it deems necessary.

1006 (10)(9) If the Governor and Cabinet finds that a violation
 1007 occurred, it may reprimand the violator, censure the violator,
 1008 or prohibit the violator from lobbying all agencies for a period

1009 | not to exceed 2 years. If the violator is a lobbying firm, the
 1010 | Governor and Cabinet may also assess a fine of not more than
 1011 | \$5,000 to be deposited in the Executive Branch Lobby
 1012 | Registration Trust Fund.

1013 | (11)~~(10)~~ Any person, when in doubt about the applicability
 1014 | and interpretation of this section to himself or herself in a
 1015 | particular context, may submit in writing the facts of the
 1016 | situation to the commission with a request for an advisory
 1017 | opinion to establish the standard of duty. An advisory opinion
 1018 | shall be rendered by the commission and, until amended or
 1019 | revoked, shall be binding on the conduct of the person who
 1020 | sought the opinion, unless material facts were omitted or
 1021 | misstated in the request.

1022 | (12)~~(11)~~ Agencies shall be diligent to ascertain whether
 1023 | persons required to register pursuant to this section have
 1024 | complied. An agency may not knowingly permit a person who is not
 1025 | registered pursuant to this section to lobby the agency.

1026 | (13)~~(12)~~ Upon discovery of violations of this section an
 1027 | agency or any person may file a sworn complaint with the
 1028 | commission.

1029 | (14)~~(13)~~ The commission shall adopt rules to administer
 1030 | this section, which shall prescribe forms for registration and
 1031 | compensation ~~expenditure~~ reports, procedures for registration,
 1032 | and procedures that will prevent disclosure of information that
 1033 | is confidential as provided in this section.

1034 | Section 6. Effective April 1, 2006, subsection (5) of
 1035 | section 112.3215, Florida Statutes, as amended by this act, is
 1036 | amended to read:

1037 112.3215 Lobbying before the executive branch or the
 1038 Constitution Revision Commission; registration and reporting;
 1039 investigation by commission.--

1040 (5)(a)1. Each lobbying firm shall file a compensation
 1041 report with the commission for each calendar quarter during any
 1042 portion of which one or more of the firm's lobbyists were
 1043 registered to represent a principal. The report shall include
 1044 the:

1045 a. Full name, business address, and telephone number of
 1046 the lobbying firm;

1047 b. Name of each of the firm's lobbyists; and

1048 c. Total compensation provided or owed to the lobbying
 1049 firm from all principals for the reporting period, reported in
 1050 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 1051 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 1052 \$999,999; \$1 million or more.

1053 2. For each principal represented by one or more of the
 1054 firm's lobbyists, the lobbying firm's compensation report shall
 1055 also include the:

1056 a. Full name, business address, and telephone number of
 1057 the principal; and

1058 b. Total compensation provided or owed to the lobbying
 1059 firm for the reporting period, reported in one of the following
 1060 categories: \$0; \$1 to \$19,999; \$20,000 to \$39,999; \$40,000 to
 1061 \$59,999; and \$60,000 or more. If the category "\$60,000 or more"
 1062 is selected, the specific dollar amount of compensation must be
 1063 reported, rounded up or down to the nearest \$1,000.

1064 3. If the lobbying firm subcontracts work from another

1065 lobbying firm and not from the original principal:
 1066 a. The lobbying firm providing the work to be
 1067 subcontracted shall be treated as the reporting lobbying firm's
 1068 principal for reporting purposes under this paragraph; and
 1069 b. The reporting lobbying firm shall, for each lobbying
 1070 firm identified under subparagraph 2., identify the name and
 1071 address of the principal originating the lobbying work.
 1072 4. The senior partner, officer, or owner of the lobbying
 1073 firm shall certify to the veracity and completeness of the
 1074 information submitted pursuant to this paragraph.
 1075 (b) For each principal represented by more than one
 1076 lobbying firm, the commission shall aggregate the reporting-
 1077 period and calendar-year compensation reported as provided or
 1078 owed by the principal.
 1079 (c) The reporting statements shall be filed no later than
 1080 45 days after the end of each reporting period. The four
 1081 reporting periods are from January 1 through March 31, April 1
 1082 through June 30, July 1 through September 30, and October 1
 1083 through December 31, respectively. Reporting statements must be
 1084 filed by electronic means as provided in s. 112.32155.
 1085 ~~(d) Reports shall be filed not later than 5 p.m. of the~~
 1086 ~~report due date. However, any report that is postmarked by the~~
 1087 ~~United States Postal Service no later than midnight of the due~~
 1088 ~~date shall be deemed to have been filed in a timely manner, and~~
 1089 ~~a certificate of mailing obtained from and dated by the United~~
 1090 ~~States Postal Service at the time of the mailing, or a receipt~~
 1091 ~~from an established courier company which bears a date on or~~
 1092 ~~before the due date, shall be proof of mailing in a timely~~

1093 ~~manner.~~

1094 (d)~~(e)~~ The commission shall provide by rule a procedure by
 1095 which a lobbying firm that fails to timely file a report shall
 1096 be notified and assessed fines. The rule shall provide for the
 1097 following:

1098 1. Upon determining that the report is late, the person
 1099 designated to review the timeliness of reports shall immediately
 1100 notify the lobbying firm as to the failure to timely file the
 1101 report and that a fine is being assessed for each late day. The
 1102 fine shall be \$50 per day per report for each late day up to a
 1103 maximum of \$5,000 per late report.

1104 2. Upon receipt of the report, the person designated to
 1105 review the timeliness of reports shall determine the amount of
 1106 the fine due based upon the earliest of the following:

1107 a. When a report is actually received by the lobbyist
 1108 registration and reporting office.

1109 b. When the electronic receipt issued pursuant to s.
 1110 112.32155 is dated. ~~When the report is postmarked.~~

1111 ~~e. When the certificate of mailing is dated.~~

1112 ~~d. When the receipt from an established courier company is~~
 1113 ~~dated.~~

1114 3. Such fine shall be paid within 30 days after the notice
 1115 of payment due is transmitted by the Lobbyist Registration
 1116 Office, unless appeal is made to the commission. The moneys
 1117 shall be deposited into the Executive Branch Lobby Registration
 1118 Trust Fund.

1119 4. A fine shall not be assessed against a lobbying firm
 1120 the first time any reports for which the lobbying firm is

1121 responsible are not timely filed. However, to receive the one-
1122 time fine waiver, all reports for which the lobbying firm is
1123 responsible must be filed within 30 days after the notice that
1124 any reports have not been timely filed is transmitted by the
1125 Lobbyist Registration Office. A fine shall be assessed for any
1126 subsequent late-filed reports.

1127 5. Any lobbying firm may appeal or dispute a fine, based
1128 upon unusual circumstances surrounding the failure to file on
1129 the designated due date, and may request and shall be entitled
1130 to a hearing before the commission, which shall have the
1131 authority to waive the fine in whole or in part for good cause
1132 shown. Any such request shall be made within 30 days after the
1133 notice of payment due is transmitted by the Lobbyist
1134 Registration Office. In such case, the lobbying firm shall,
1135 within the 30-day period, notify the person designated to review
1136 the timeliness of reports in writing of his or her intention to
1137 bring the matter before the commission.

1138 6. The person designated to review the timeliness of
1139 reports shall notify the commission of the failure of a lobbying
1140 firm to file a report after notice or of the failure of a
1141 lobbying firm to pay the fine imposed.

1142 7. Notwithstanding any provision of chapter 120, any fine
1143 imposed under this subsection that is not waived by final order
1144 of the commission and that remains unpaid more than 60 days
1145 after the notice of payment due or more than 60 days after the
1146 commission renders a final order on the lobbying firm's appeal
1147 shall be collected by the Department of Financial Services as a
1148 claim, debt, or other obligation owed to the state, and the

1149 department may assign the collection of such fine to a
 1150 collection agent as provided in s. 17.20.

1151 ~~(f) The commission shall adopt a rule which allows~~
 1152 ~~reporting statements to be filed by electronic means, when~~
 1153 ~~feasible.~~

1154 ~~(e)(g)~~ Each lobbying firm and each principal shall
 1155 preserve for a period of 4 years all accounts, bills, receipts,
 1156 computer records, books, papers, and other documents and records
 1157 necessary to substantiate compensation. Any documents and
 1158 records retained pursuant to this section may be subpoenaed for
 1159 audit by the Legislative Auditing Committee pursuant to s.
 1160 11.40, and such subpoena may be enforced in circuit court.

1161 Section 7. Effective April 1, 2006, section 112.32155,
 1162 Florida Statutes, is created to read:

1163 112.32155 Electronic filing of compensation reports and
 1164 other information.--

1165 (1) As used in this section, the term "electronic filing
 1166 system" means an Internet system for recording and reporting
 1167 lobbying compensation and other required information by
 1168 reporting period.

1169 (2) Each lobbying firm who is required to file reports
 1170 with the Commission on Ethics pursuant to s. 112.3215 must file
 1171 such reports with the commission by means of the electronic
 1172 filing system.

1173 (3) A report filed pursuant to this section must be
 1174 completed and filed through the electronic filing system not
 1175 later than 11:59 p.m. of the day designated in s. 112.3215. A
 1176 report not filed by 11:59 p.m. of the day designated is a late-

1177 filed report and is subject to the penalties under s.
 1178 112.3215(5).

1179 (4) Each report filed pursuant to this section is
 1180 considered to be certified as accurate and complete by the
 1181 lobbying firm. Persons given a secure sign-on to the electronic
 1182 filing system are responsible for protecting it from disclosure
 1183 and are responsible for all filings using such credentials,
 1184 unless they have notified the commission that their credentials
 1185 have been compromised.

1186 (5) The electronic filing system must:

1187 (a) Be based on access by means of the Internet.

1188 (b) Be accessible by anyone with Internet access using
 1189 standard web-browsing software.

1190 (c) Provide for direct entry of compensation-report
 1191 information as well as upload of such information from software
 1192 authorized by the commission.

1193 (d) Provide a method that prevents unauthorized access to
 1194 electronic filing system functions.

1195 (6) The commission shall provide by rule procedures to
 1196 implement and administer this section, including, but not
 1197 limited to:

1198 (a) Alternate filing procedures in case the electronic
 1199 filing system is not operable.

1200 (b) The issuance of an electronic receipt to the person
 1201 submitting the report indicating and verifying the date and time
 1202 that the report was filed.

1203 (7) The commission shall make all the data filed available
 1204 on the Internet in an easily understood and accessible format.

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1205 The Internet web site shall also include, but not be limited to,
1206 the names and business addresses of lobbyists, lobbying firms,
1207 and principals, affiliations between lobbyists and principals,
1208 and the classification system designated and identified by each
1209 principal pursuant to s. 112.3215(3).

1210 Section 8. The first compensation reports subject to the
1211 amended reporting requirements in this act must be filed by May
1212 15, 2006, and encompass the reporting period from January 1,
1213 2006, through March 31, 2006.

1214 Section 9. Except as otherwise expressly provided in this
1215 act, this act shall take effect January 1, 2006.