

By Senator Sebesta

16-149C-06

1 A bill to be entitled
2 An act relating to lobbying; amending s.
3 11.045, F.S., relating to the requirements that
4 legislative lobbyists register and report as
5 required by legislative rule; defining the
6 terms "compensation" and "lobbying firm";
7 amending the definition of the term "lobbying";
8 requiring each principal upon the registration
9 of the principal's designated lobbyist to
10 identify the principal's main business;
11 conditionally prohibiting a convicted felon
12 from being registered as a legislative
13 lobbyist; requiring each lobbying firm and
14 principal to maintain certain records and
15 documents for a specified period; specifying
16 judicial jurisdiction for enforcing the right
17 to inspect certain documents and records;
18 modifying the aggregate reporting categories on
19 lobbying expenditure reporting forms; requiring
20 that lobbying expenditure reporting forms
21 include the name and address of each person to
22 whom an expenditure for food and beverages was
23 made, the date of the expenditure, and the name
24 and title of the legislator or employee for
25 whom the expenditure was made; requiring each
26 lobbyist to report the general areas of the
27 principal's legislative interest and specific
28 issues lobbied; requiring each lobbying firm to
29 file quarterly compensation reports; requiring
30 each lobbying firm to report certain
31 compensation information in dollar categories

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

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

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

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

1 filing procedures; requiring the issuance of
2 electronic receipts; requiring that the
3 commission provide for public access to certain
4 data; specifying the initial reporting period
5 that is subject to the requirements of the act;
6 providing effective dates.
7

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

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

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

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

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

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

25 WHEREAS, Floridians have a right to know what the
26 Legislature and executive agencies are doing and with whom, so
27 that they can gauge the influence and the role of special
28 interests in the development and implementation of public
29 policy, and
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1 WHEREAS, the Florida Legislature believes that fuller,
2 fairer, and more open disclosure will help restore the public
3 trust in government, and

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

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 11.045, Florida Statutes, is
13 amended to read:

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

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

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

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

25 ~~(c)(b)~~ "Division" means the Division of Legislative
26 Information Services within the Office of Legislative
27 Services.

28 ~~(d)(c)~~ "Expenditure" means a payment, distribution,
29 loan, advance, reimbursement, deposit, or anything of value
30 made by a lobbyist or principal for the purpose of lobbying.

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1 ~~(e)(d)~~ "Legislative action" means introduction,
2 sponsorship, testimony, debate, voting, or any other official
3 action on any measure, resolution, amendment, nomination,
4 appointment, or report of, or any matter which may be the
5 subject of action by, either house of the Legislature or any
6 committee thereof.

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

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

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

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

30 (2) Each house of the Legislature shall provide by
31 rule, or may provide by a joint rule adopted by both houses,

1 for the registration of lobbyists who lobby the Legislature.

2 The rule may provide for the payment of a registration fee.

3 The rule may provide for exemptions from registration or

4 registration fees. The rule shall provide that:

5 (a) Registration is required for each principal
6 represented.

7 (b) Registration shall include a statement signed by

8 the principal or principal's representative that the

9 registrant is authorized to represent the principal. The

10 principal shall also designate the most recent North American

11 Industry Classification System numerical code and

12 corresponding index entry that most accurately describes the

13 principal's main business on the statement authorizing the

14 principal's designated lobbyist.

15 (c) A registrant shall promptly send a written

16 statement to the division canceling the registration for a

17 principal upon termination of the lobbyist's representation of

18 that principal. Notwithstanding this requirement, the division

19 may remove the name of a registrant from the list of

20 registered lobbyists if the principal notifies the office that

21 a person is no longer authorized to represent that principal.

22 (d) Every registrant shall be required to state the

23 extent of any direct business association or partnership with

24 any current member of the Legislature.

25 (e)1. Each lobbyist and each principal shall preserve

26 for a period of 4 years all accounts, bills, receipts,

27 computer records, books, papers, and other documents and

28 records necessary to substantiate lobbying expenditures. Any

29 documents and records retained pursuant to this section may be

30 inspected under reasonable circumstances by any authorized

31 representative of the Legislature. The right of inspection may

1 be enforced in circuit court ~~by appropriate writ issued by any~~
2 ~~court of competent jurisdiction.~~

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

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

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

13 (h) A person convicted of a felony may not be
14 registered as a lobbyist pursuant to this subsection until the
15 person:

16 1. Has been released from incarceration and any
17 postconviction supervision, and has paid all court costs and
18 court-ordered restitution;

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

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

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

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

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

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

1 paragraph (a). The principal is responsible for the accuracy
2 of figures reported by the designated lobbyist as lobbying
3 expenditures made directly by the principal. The designated
4 lobbyist is responsible for the accuracy of the figures
5 reported as lobbying expenditures made by that lobbyist. Each
6 lobbyist shall file an expenditure report for each period
7 during any portion of which he or she was registered, and each
8 principal shall ensure that an expenditure report is filed for
9 each period during any portion of which the principal was
10 represented by a registered lobbyist.

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

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

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

23 a. The full name, business address, and telephone
24 number of the lobbying firm;

25 b. The name of each of the firm's lobbyists; and

26 c. The total compensation provided or owed to the
27 lobbying firm from all principals for the reporting period,
28 reported in one of the following categories: \$0; less than
29 \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to
30 \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; or \$1
31 million or more.

1 2. For each principal represented by one or more of
2 the firm's lobbyists, the compensation report must also
3 include:
4 a. The full name, business address, and telephone
5 number of the principal;
6 b. The total compensation provided or owed to the
7 lobbying firm for the reporting period, reported in one of the
8 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
9 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
10 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
11 \$40,000 to \$44,999; or \$45,000 or more. If the category
12 "\$45,000 or more" is selected, the specific dollar amount of
13 compensation must be reported, rounded up or down to the
14 nearest \$1,000; and
15 c. The cumulative year-to-date compensation provided
16 or owed to the lobbying firm, reported in one of the following
17 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
18 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; or \$100,000
19 or more.
20 3. If the reporting lobbying firm subcontracts work
21 from another lobbying firm and not from the original
22 principal:
23 a. The lobbying firm providing the work shall be
24 treated as the reporting lobbying firm's principal for
25 reporting purposes under this paragraph; and
26 b. The reporting lobbying firm shall, for each
27 lobbying firm identified under subparagraph 2., identify the
28 name and address of the principal originating the lobbying
29 work.
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1 4. The senior partner, officer, or owner of the
2 lobbying firm shall certify to the veracity and completeness
3 of the information submitted pursuant to this paragraph.

4 ~~(e)(e)~~ For each reporting period the division shall
5 aggregate the expenditures reported by all of the lobbyists
6 for a principal represented by more than one lobbyist.
7 Further, the division shall aggregate figures that provide a
8 cumulative total of expenditures reported as spent by and on
9 behalf of each principal for the calendar year. For each
10 principal represented by more than one lobbying firm, the
11 division shall also aggregate the reporting-period and
12 calendar-year compensation reported as provided or owed by the
13 principal.

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

26 ~~(g)(e)~~ Reports shall be filed not later than 5 p.m. of
27 the report due date. However, any report that is postmarked by
28 the United States Postal Service no later than midnight of the
29 due date shall be deemed to have been filed in a timely
30 manner, and a certificate of mailing obtained from and dated
31 by the United States Postal Service at the time of the

1 mailing, or a receipt from an established courier company
2 which bears a date on or before the due date, shall be proof
3 of mailing in a timely manner.

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

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

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

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

20 b. When the report is postmarked.

21 c. When the certificate of mailing is dated.

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

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

29 4. A fine shall not be assessed against a lobbying
30 firm or lobbyist the first time any reports for which the
31 lobbying firm or lobbyist is responsible are not timely filed.

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

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

24 | 6. A lobbyist, a lobbyist's legal representative, or
25 | the principal of a lobbyist may request that the filing of an
26 | expenditure report be waived upon good cause shown, based on
27 | unusual circumstances. A lobbying firm or a lobbying firm's
28 | legal representative may request that the filing of a
29 | compensation report be waived upon good cause shown, based on
30 | unusual circumstances. The request must be filed with the
31 | General Counsel of the Office of Legislative Services, who

1 shall make a recommendation concerning the waiver request to
2 the President of the Senate and the Speaker of the House of
3 Representatives. The President of the Senate and the Speaker
4 of the House of Representatives may grant or deny the request.

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

13 ~~8.7.~~ The person designated to review the timeliness of
14 reports shall notify the director of the division of the
15 failure of a lobbying firm or lobbyist to file a report after
16 notice or of the failure of a lobbying firm or lobbyist to pay
17 the fine imposed.

18 (4)(a) Notwithstanding s. 112.3148, s. 112.3149, or
19 any other provision of law to the contrary, a lobbyist or
20 principal may not make, directly or indirectly, and a member
21 or employee of the Legislature may not knowingly accept,
22 directly or indirectly, any lobbying expenditure, except for:

23 1. Food and beverages:

24 a. Consumed at a single sitting or meal;

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

27 c. For which the actual value attributable to members
28 and employees of the Legislature is determinable; and

29 d. For which the actual gross value attributable to a
30 member or employee of the Legislature from all lobbyists and
31 principals paying for the food and beverages, including any

1 value attributable pursuant to paragraph (b), does not exceed
2 \$100.

3 2. Novelty items having an individual retail value of
4 \$25 or less which are provided to all members of the Senate or
5 House of Representatives during any regular or special session
6 or during any week in which the Senate or House has scheduled
7 committee meetings. Such novelty items may also be distributed
8 to the staff of either or both houses, subject to the same
9 timing constraints.

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

13 (c) A person may not provide compensation for lobbying
14 to any individual or business entity that is not a lobbying
15 firm.

16 (5)(4) Each house of the Legislature shall provide by
17 rule a procedure by which a person, when in doubt about the
18 applicability and interpretation of this section in a
19 particular context, may submit in writing the facts for an
20 advisory opinion to the committee of either house and may
21 appear in person before the committee. The rule shall provide
22 a procedure by which:

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

26 (b) The committee shall make sufficient deletions to
27 prevent disclosing the identity of persons in the decisions or
28 opinions.

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

31

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

9 ~~(7)~~⁽⁶⁾ Each house of the Legislature shall provide by
10 rule that the committee of either house ~~shall~~ investigate any
11 lobbying firm or lobbyist ~~person engaged in legislative~~
12 ~~lobbying~~ upon receipt of a sworn complaint alleging a
13 violation of this section, s. 112.3148, or s. 112.3149 by such
14 person. The rule shall also provide that the committee of
15 either house investigate any lobbying firm upon receipt of
16 audit information concerning compensation reporting which
17 indicates a possible violation other than a late-filed report.

18 Such proceedings shall be conducted pursuant to the rules of
19 the respective houses. If the committee finds that there has
20 been a violation of this section, s. 112.3148, or s. 112.3149,
21 it shall report its findings to the President of the Senate or
22 the Speaker of the House of Representatives, as appropriate,
23 together with a recommended penalty, to include a fine of not
24 more than \$5,000, reprimand, censure, probation, or
25 prohibition from lobbying for a period of time not to exceed
26 24 months. Upon the receipt of such report, the President of
27 the Senate or the Speaker of the House of Representatives
28 shall cause the committee report and recommendations to be
29 brought before the respective house and a final determination
30 shall be made by a majority of said house.

31

1 ~~(8)(7)~~ Any person required to be registered or to
2 provide information pursuant to this section or pursuant to
3 rules established in conformity with this section who
4 knowingly fails to disclose any material fact required by this
5 section or by rules established in conformity with this
6 section, or who knowingly provides false information on any
7 report required by this section or by rules established in
8 conformity with this section, commits a noncriminal
9 infraction, punishable by a fine not to exceed \$5,000. Such
10 penalty shall be in addition to any other penalty assessed by
11 a house of the Legislature pursuant to subsection~~(7)(6)~~.

12 ~~(9)(8)~~ There is hereby created the Legislative
13 Lobbyist Registration Trust Fund, to be used for the purpose
14 of funding any office established for the administration of
15 the registration of lobbyist lobbying the Legislature,
16 including the payment of salaries and other expenses, and for
17 the purpose of paying the expenses incurred by the Legislature
18 in providing services to lobbyists. The trust fund is not
19 subject to the service charge to general revenue provisions of
20 chapter 215. Fees collected pursuant to rules established in
21 accordance with subsection (2) shall be deposited into the
22 Legislative Lobbyist Registration Trust Fund.

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

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

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

30 (a) Statements shall be filed by all registered
31 lobbyists four times per year, which must disclose all

1 lobbying expenditures by the lobbyist and the principal and
2 the source of funds for such expenditures. All expenditures
3 made by the lobbyist and the principal for the purpose of
4 lobbying must be reported. Reporting of expenditures shall be
5 made on an accrual basis. The report of such expenditures must
6 identify whether the expenditure was made directly by the
7 lobbyist, directly by the principal, initiated or expended by
8 the lobbyist and paid for by the principal, or initiated or
9 expended by the principal and paid for by the lobbyist. The
10 principal is responsible for the accuracy of the expenditures
11 reported as lobbying expenditures made by the principal. The
12 lobbyist is responsible for the accuracy of the expenditures
13 reported as lobbying expenditures made by the lobbyist.
14 Expenditures made must be reported in the aggregate in either
15 the category of "food and beverages" or "novelty items." For
16 each expenditure that comprises part of the aggregate total
17 reported in the "food and beverages" category, the report must
18 also include the full name and address of each person to whom
19 the expenditure was made, the date of the expenditure, and the
20 name and title of the member or employee of the Legislature
21 for whom the expenditure was made. Lobbying expenditures do
22 not include a lobbyist's or principal's salary, office
23 expenses, and personal expenses for lodging, meals, and
24 travel.

25 (b) If a principal is represented by two or more
26 lobbyists, the first lobbyist who registers to represent that
27 principal shall be the designated lobbyist. The designated
28 lobbyist's expenditure report shall include all lobbying
29 expenditures made directly by the principal and those
30 expenditures of the designated lobbyist on behalf of that
31 principal as required by paragraph (a). All other lobbyists

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

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

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

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

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

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

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

7 | a. The full name, business address, and telephone
8 | number of the principal;

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

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

23 | 3. If the reporting lobbying firm subcontracts work
24 | from another lobbying firm and not from the original
25 | principal:

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

29 | b. The reporting lobbying firm shall, for each
30 | lobbying firm identified under subparagraph 2., identify the
31 |

1 name and address of the principal originating the lobbying
2 work.

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

6 (e) For each reporting period the division shall
7 aggregate the expenditures reported by all of the lobbyists
8 for a principal represented by more than one lobbyist.
9 Further, the division shall aggregate figures that provide a
10 cumulative total of expenditures reported as spent by and on
11 behalf of each principal for the calendar year. For each
12 principal represented by more than one lobbying firm, the
13 division shall also aggregate the reporting-period and
14 calendar-year compensation reported as provided or owed by the
15 principal.

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

26 ~~(g) Reports shall be filed not later than 5 p.m. of~~
27 ~~the report due date. However, any report that is postmarked by~~
28 ~~the United States Postal Service no later than midnight of the~~
29 ~~due date shall be deemed to have been filed in a timely~~
30 ~~manner, and a certificate of mailing obtained from and dated~~
31 ~~by the United States Postal Service at the time of the~~

1 ~~mailing, or a receipt from an established courier company~~
2 ~~which bears a date on or before the due date, shall be proof~~
3 ~~of mailing in a timely manner.~~

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

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

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

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

20 b. When the electronic receipt issued pursuant to s.
21 11.0455 is dated ~~report is postmarked.~~

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

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

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

30 4. A fine shall not be assessed against a lobbying
31 firm or lobbyist the first time any reports for which the

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

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

25 6. A lobbyist, a lobbyist's legal representative, or
26 the principal of a lobbyist may request that the filing of an
27 expenditure report be waived upon good cause shown, based on
28 unusual circumstances. A lobbying firm or a lobbying firm's
29 legal representative may request that the filing of a
30 compensation report be waived upon good cause shown, based on
31 unusual circumstances. The request must be filed with the

1 General Counsel of the Office of Legislative Services, who
2 shall make a recommendation concerning the waiver request to
3 the President of the Senate and the Speaker of the House of
4 Representatives. The President of the Senate and the Speaker
5 of the House of Representatives may grant or deny the request.

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

14 8. The person designated to review the timeliness of
15 reports shall notify the director of the division of the
16 failure of a lobbying firm or lobbyist to file a report after
17 notice or of the failure of a lobbying firm or lobbyist to pay
18 the fine imposed.

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

21 11.0455 Electronic filing of compensation and
22 expenditure reports.--

23 (1) As used in this section, the term "electronic
24 filing system" means an Internet system for recording and
25 reporting lobbying compensation, expenditures, and other
26 required information by reporting period.

27 (2) Each lobbying firm or lobbyist who is required to
28 file reports with the Division of Legislative Information
29 Services pursuant to s. 11.045 must file such reports with the
30 division by means of the division's electronic filing system.
31

1 (3) A report filed pursuant to this section must be
2 completed and filed through the electronic filing system not
3 later than 11:59 p.m. of the day designated in s. 11.045. A
4 report not filed by 11:59 p.m. of the day designated is a
5 late-filed report and is subject to the penalties under s.
6 11.045(3).

7 (4) Each report filed pursuant to this section is
8 considered to be certified as accurate and complete by the
9 lobbyist, the lobbying firm, or the designated lobbyist and
10 principal, whichever is applicable, and such persons are
11 subject to the provisions of s. 11.045(7) and (8). Persons
12 given a secure sign-on to the electronic filing system are
13 responsible for protecting it from disclosure and are
14 responsible for all filings using such credentials, unless
15 they have notified the division that their credentials have
16 been compromised.

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

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

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

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

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

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

31

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

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

6 (7) Each house of the Legislature shall provide by
7 rule that the division make all the data filed available on
8 the Internet in an easily understood and accessible format.
9 The Internet website shall also include, but not be limited
10 to, the names and business addresses of lobbyists, lobbying
11 firms, and principals, the affiliations between lobbyists and
12 principals, and the North American Industry Classification
13 System code and corresponding index entry identified by each
14 principal pursuant to s. 11.045(2).

15 Section 4. Effective February 15, 2007, subsection (2)
16 of section 11.45, Florida Statutes, is amended to read:

17 11.45 Definitions; duties; authorities; reports;
18 rules.--

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

20 (a) Conduct audits of records and perform related
21 duties as prescribed by law, concurrent resolution of the
22 Legislature, or as directed by the Legislative Auditing
23 Committee.

24 (b) Annually conduct a financial audit of state
25 government.

26 (c) Annually conduct financial audits of all
27 universities and district boards of trustees of community
28 colleges.

29 (d) Annually conduct financial audits of the accounts
30 and records of all district school boards in counties with
31

1 | populations of fewer than 150,000, according to the most
2 | recent federal decennial statewide census.

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

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

7 | (g) At least every 2 years, conduct operational audits
8 | of the accounts and records of state agencies and
9 | universities. In connection with these audits, the Auditor
10 | General shall give appropriate consideration to reports issued
11 | by state agencies' inspectors general or universities'
12 | inspectors general and the resolution of findings therein.

13 | (h) At least every 2 years, conduct a performance
14 | audit of the local government financial reporting system,
15 | which, for the purpose of this chapter, means any statutory
16 | provisions related to local government financial reporting.
17 | The purpose of such an audit is to determine the accuracy,
18 | efficiency, and effectiveness of the reporting system in
19 | achieving its goals and to make recommendations to the local
20 | governments, the Governor, and the Legislature as to how the
21 | reporting system can be improved and how program costs can be
22 | reduced. The Auditor General shall determine the scope of such
23 | audits. The local government financial reporting system should
24 | provide for the timely, accurate, uniform, and cost-effective
25 | accumulation of financial and other information that can be
26 | used by the members of the Legislature and other appropriate
27 | officials to accomplish the following goals:

- 28 | 1. Enhance citizen participation in local government;
29 | 2. Improve the financial condition of local
30 | governments;

31 |

1 3. Provide essential government services in an
2 efficient and effective manner; and

3 4. Improve decisionmaking on the part of the
4 Legislature, state agencies, and local government officials on
5 matters relating to local government.

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

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

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

17 (l) Conduct audits of local governmental entities when
18 determined to be necessary by the Auditor General, when
19 directed by the Legislative Auditing Committee, or when
20 otherwise required by law. No later than 18 months after the
21 release of the audit report, the Auditor General shall perform
22 such appropriate followup procedures as he or she deems
23 necessary to determine the audited entity's progress in
24 addressing the findings and recommendations contained within
25 the Auditor General's previous report. The Auditor General
26 shall provide a copy of his or her determination to each
27 member of the audited entity's governing body and to the
28 Legislative Auditing Committee.

29 (m) Annually conduct audits of all quarterly
30 compensation reports for the previous calendar year filed
31 pursuant to ss. 11.045 and 11.0455, or ss. 112.3215 and

1 112.32155, respectively, for a random sample of 3 percent of
2 all legislative lobbying firms and 3 percent of all executive
3 branch lobbying firms.

4 1. The audit shall be limited to determining
5 compliance with the lobbying compensation reporting
6 requirements of s. 11.045 or s. 112.3215, whichever is
7 applicable, except that the audit scope may not include the
8 timeliness of the filing.

9 2. The random selection of lobbying firms to be
10 audited shall be done in a manner pursuant to which the
11 identity of any particular lobbying firm selected for audit is
12 unknown to the Auditor General or the Auditor General's staff
13 prior to selection.

14 3. The Auditor General shall adopt guidelines
15 governing random audits and field investigations conducted
16 pursuant to this paragraph. The guidelines shall ensure that
17 similarly situated compensation reports are audited in a
18 uniform manner. The guidelines shall also be formulated to
19 accomplish the following purposes:

20 a. The audits should encourage compliance and detect
21 violations of the legislative and executive lobbying
22 compensation reporting requirements in ss. 11.045 and
23 112.3215;

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

26 c. The audits should be as unobtrusive as possible
27 consistent with the foregoing purposes.

28
29 In adopting the guidelines, the Auditor General shall consider
30 relevant guidelines and standards of the American Institute of
31 Certified Public Accountants to the extent such guidelines and

1 standards are applicable and consistent with the purposes set
2 forth in this subparagraph.

3 4. The Auditor General shall forward all legislative
4 lobbying final audit reports to the legislative committees
5 designated in s. 11.045, and shall forward all executive
6 lobbying final audit reports to the Florida Commission on
7 Ethics.

8
9 The Auditor General shall perform his or her duties
10 independently but under the general policies established by
11 the Legislative Auditing Committee. This subsection does not
12 limit the Auditor General's discretionary authority to conduct
13 other audits or engagements of governmental entities as
14 authorized in subsection (3).

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

17 11.45 Definitions; duties; authorities; reports;
18 rules.--

19 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--The
20 Auditor General may, pursuant to his or her own authority, or
21 at the direction of the Legislative Auditing Committee,
22 conduct audits or other engagements as determined appropriate
23 by the Auditor General of:

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

26 (b) The information technology programs, activities,
27 functions, or systems of any governmental entity created or
28 established by law.

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

31

1 (d) The accounts and records of any direct-support
2 organization or citizen support organization created or
3 established by law. The Auditor General is authorized to
4 require and receive any records from the direct-support
5 organization or citizen support organization, or from its
6 independent auditor.

7 (e) The public records associated with any
8 appropriation made by the Legislature to a nongovernmental
9 agency, corporation, or person. All records of a
10 nongovernmental agency, corporation, or person with respect to
11 the receipt and expenditure of such an appropriation shall be
12 public records and shall be treated in the same manner as
13 other public records are under general law.

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

16 (g) The Tobacco Settlement Financing Corporation
17 created pursuant to s. 215.56005.

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

20 (i) Enterprise Florida, Inc., including any of its
21 boards, advisory committees, or similar groups created by
22 Enterprise Florida, Inc., and programs. The audit report may
23 not reveal the identity of any person who has anonymously made
24 a donation to Enterprise Florida, Inc., pursuant to this
25 paragraph. The identity of a donor or prospective donor to
26 Enterprise Florida, Inc., who desires to remain anonymous and
27 all information identifying such donor or prospective donor
28 are confidential and exempt from the provisions of s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
30 anonymity shall be maintained in the auditor's report.
31

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

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

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

17 (m) The transportation corporations under contract
18 with the Department of Transportation that are acting on
19 behalf of the state to secure and obtain rights-of-way for
20 urgently needed transportation systems and to assist in the
21 planning and design of such systems pursuant to ss.
22 339.401-339.421.

23 (n) The acquisitions and divestitures related to the
24 Florida Communities Trust Program created pursuant to chapter
25 380.

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

28 (p) The Florida Partnership for School Readiness
29 created pursuant to s. 411.01.

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

1 (r) Workforce Florida, Inc., or the programs or
2 entities created by Workforce Florida, Inc., created pursuant
3 to s. 445.004.

4 (s) The corporation defined in s. 455.32 that is under
5 contract with the Department of Business and Professional
6 Regulation to provide administrative, investigative,
7 examination, licensing, and prosecutorial support services in
8 accordance with the provisions of s. 455.32 and the practice
9 act of the relevant profession.

10 (t) The Florida Engineers Management Corporation
11 created pursuant to chapter 471.

12 (u) The Investment Fraud Restoration Financing
13 Corporation created pursuant to chapter 517.

14 (v) The books and records of any permitholder that
15 conducts race meetings or jai alai exhibitions under chapter
16 550.

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

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

21 (y) The accounts and records of any principal,
22 lobbying firm, or lobbyist relating to compliance with the
23 compensation-reporting provisions of s. 11.045 or s. 112.3215,
24 whichever is applicable, except that the audit scope may not
25 include the timeliness of the filing. Any audit conducted
26 pursuant to this paragraph shall be done in accordance with
27 the guidelines for random audits established pursuant to
28 subparagraph (2)(m)4. The Auditor General shall forward all
29 legislative lobbying final audit reports to the legislative
30 committees designated in s. 11.045, and shall forward all
31

1 executive and Constitution Revision Commission lobbying final
2 audit reports to the Florida Commission on Ethics.

3 Section 6. Section 112.3215, Florida Statutes, is
4 amended to read:

5 112.3215 Lobbying ~~Lobbyists~~ before the executive
6 branch or the Constitution Revision Commission; registration
7 and reporting; investigation by commission.--

8 (1) For the purposes of this section:

9 (a) "Agency" means the Governor, Governor and Cabinet,
10 or any department, division, bureau, board, commission, or
11 authority of the executive branch. In addition, "agency" shall
12 mean the Constitution Revision Commission as provided by s. 2,
13 Art. XI of the State Constitution.

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

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

21 (d) ~~(c)~~ "Fund" means the Executive Branch Lobby
22 Registration Trust Fund.

23 (e) 1. ~~(d)~~ "Lobbies" means seeking, on behalf of another
24 person, to influence an agency with respect to a decision of
25 the agency in the area of policy or procurement or an attempt
26 to obtain the goodwill of an agency official or employee.

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

1 2. Food and beverages paid for or provided, directly
2 or indirectly, by a lobbyist or principal to, or for the
3 benefit of, an agency official or employee or a member or
4 employee of the Constitution Revision Commission is deemed an
5 attempt to obtain such person's goodwill unless the lobbyist
6 or principal is the person's parent, spouse, child, or
7 sibling.

8 (f) "Lobbying firm" means a business entity, including
9 an individual contract lobbyist, which receives or becomes
10 entitled to receive any compensation for the purpose of
11 lobbying, where any partner, owner, officer, or employee of
12 the business entity is a lobbyist.

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

20 1. An attorney, or any person, who represents a client
21 in a judicial proceeding or in a formal administrative
22 proceeding conducted pursuant to chapter 120 or any other
23 formal hearing before an agency, board, commission, or
24 authority of this state.

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

28 3. A confidential informant who is providing, or
29 wishes to provide, confidential information to be used for law
30 enforcement purposes.

31

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

4 ~~(h)(f)~~ "Principal" means the person, firm,
5 corporation, or other entity which has employed or retained a
6 lobbyist.

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

15 (3) A person may not lobby an agency until such person
16 has registered as a lobbyist with the commission. Such
17 registration shall be due upon initially being retained to
18 lobby and is renewable on a calendar year basis thereafter. A
19 person convicted of a felony may not be registered as a
20 lobbyist pursuant to this section until the person has been
21 released from incarceration and any postconviction supervision
22 and has paid all court costs and court-ordered restitution,
23 has had his or her civil rights restored, and has been
24 authorized by majority vote of the Governor and Cabinet to
25 register as a lobbyist. Upon registration the person shall
26 provide a statement signed by the principal or principal's
27 representative that the registrant is authorized to represent
28 the principal. The principal shall also designate the most
29 recent North American Industry Classification System numerical
30 code and corresponding index entry that most accurately
31 describes the principal's main business on the statement

1 authorizing the principal's designated lobbyist. The
2 registration shall require each ~~the~~ lobbyist to disclose,
3 under oath, the following information:
4 (a) Name and business address;
5 (b) The name and business address of each principal
6 represented;
7 (c) His or her area of interest;
8 (d) The agencies before which he or she will appear;
9 and
10 (e) The existence of any direct or indirect business
11 association, partnership, or financial relationship with any
12 employee of an agency with which he or she lobbies, or intends
13 to lobby, as disclosed in the registration.
14 (4) The annual lobbyist registration fee shall be set
15 by the commission by rule, not to exceed \$40 for each
16 principal represented.
17 (5)(a) A registered lobbyist must also submit to the
18 commission, quarterly ~~biannually~~, a signed expenditure report
19 summarizing all lobbying expenditures by the lobbyist and the
20 principal for each 3-month ~~6-month~~ period during any portion
21 of which the lobbyist is registered. All expenditures made by
22 the lobbyist and the principal for the purpose of lobbying
23 must be reported. Reporting of expenditures shall be on an
24 accrual basis. The report of such expenditures must identify
25 whether the expenditure was made directly by the lobbyist,
26 directly by the principal, initiated or expended by the
27 lobbyist and paid for by the principal, or initiated or
28 expended by the principal and paid for by the lobbyist. The
29 principal is responsible for the accuracy of the expenditures
30 reported as lobbying expenditures made by the principal. The
31 lobbyist is responsible for the accuracy of the expenditures

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

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

30 (c)1. Each lobbyist, including a designated lobbyist,
31 shall identify on the expenditure report all general areas of

1 the principal's lobbying interest which were lobbied during
2 the reporting period.

3 2. For each general area of lobbying interest
4 designated, the lobbyist shall provide a detailed written
5 description of all specific issues lobbied within the general
6 area.

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

11 a. The full name, business address, and telephone
12 number of the lobbying firm;

13 b. The name of each of the firm's lobbyists; and

14 c. The total compensation provided or owed to the
15 lobbying firm from all principals for the reporting period,
16 reported in one of the following categories: \$0; less than
17 \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to
18 \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; or \$1
19 million or more.

20 2. For each principal represented by one or more of
21 the firm's lobbyists, the compensation report must also
22 include:

23 a. The full name, business address, and telephone
24 number of the principal;

25 b. The total compensation provided or owed to the
26 lobbying firm for the reporting period, reported in one of the
27 following categories: \$0; less than \$5,000; \$5,000 to \$9,999;
28 \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999;
29 \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999;
30 \$40,000 to \$44,999; or \$45,000 or more. If the category
31 "\$45,000 or more" is selected, the specific dollar amount of

1 compensation must be reported, rounded up or down to the
2 nearest \$1,000; and

3 c. The cumulative year-to-date compensation provided
4 or owed to the lobbying firm, reported in one of the following
5 categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to
6 \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; or \$100,000
7 or more.

8 3. If the reporting lobbying firm subcontracts work
9 from another lobbying firm and not from the original
10 principal:

11 a. The lobbying firm providing the work shall be
12 treated as the reporting lobbying firm's principal for
13 reporting purposes under this paragraph; and

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

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

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

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

1 of each reporting period. The four reporting periods are ~~and~~
2 ~~shall include the expenditures for the period~~ from January 1
3 through March 31, April 1 through June 30, ~~and~~ July 1 through
4 September 30, and October 1 through December 31, respectively.

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

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

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

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

28 a. When a report is actually received by the lobbyist
29 registration and reporting office.

30 b. When the report is postmarked.

31 c. When the certificate of mailing is dated.

1 d. When the receipt from an established courier
2 company is dated.

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

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

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

29 6. The person designated to review the timeliness of
30 reports shall notify the commission of the failure of a
31 lobbying firm or lobbyist to file a report after notice or of

1 the failure of a lobbying firm or lobbyist to pay the fine
2 imposed.

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

13 ~~(i)(g)~~ The commission shall adopt a rule that ~~which~~
14 allows reporting statements to be filed by electronic means,
15 when feasible.

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

25 2. Each lobbying firm and each principal shall
26 preserve for a period of 4 years all accounts, bills,
27 receipts, computer records, books, papers, and other documents
28 and records necessary to substantiate compensation. Any
29 documents and records retained pursuant to this section may be
30 subpoenaed for audit by the Auditor General pursuant to s.
31 11.45 and such subpoena may be enforced in circuit court.

1 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or
2 any other provision of law to the contrary, a lobbyist or
3 principal may not make, directly or indirectly, and an agency
4 official, member, or employee may not knowingly accept,
5 directly or indirectly, any lobbying expenditure, except for
6 food and beverages:

7 1. Consumed at a single sitting or meal;

8 2. Paid for solely by lobbyists or principals who are
9 present for the duration of the sitting or meal;

10 3. For which the actual value attributable to
11 officials, members, and employees of the agency or commission
12 is determinable; and

13 4. For which the actual gross value attributable to an
14 agency official, member, or employee from all lobbyists and
15 principals paying for the food and beverages, including any
16 value attributable pursuant to paragraph (b), does not exceed
17 \$100.

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

21 (c) A person may not provide compensation for lobbying
22 to any individual or business entity that is not a lobbying
23 firm.

24 ~~(7)(6)~~ A lobbyist shall promptly send a written
25 statement to the commission canceling the registration for a
26 principal upon termination of the lobbyist's representation of
27 that principal. Notwithstanding this requirement, the
28 commission may remove the name of a lobbyist from the list of
29 registered lobbyists if the principal notifies the office that
30 a person is no longer authorized to represent that principal.
31 Each lobbyist is responsible for filing an expenditure report

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

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

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

23 (c) The commission shall investigate any lobbying firm
24 upon receipt of audit information concerning compensation
25 reporting which indicates a possible violation other than a
26 late-filed report.

27 ~~(9)(8)~~ If the commission finds no probable cause to
28 believe that a violation of this section occurred, it shall
29 dismiss the complaint, whereupon the complaint, together with
30 a written statement of the findings of the investigation and a
31 summary of the facts, shall become a matter of public record,

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

26 ~~(10)(9)~~ If the Governor and Cabinet finds that a
27 violation occurred, it may reprimand the violator, censure the
28 violator, or prohibit the violator from lobbying all agencies
29 for a period not to exceed 2 years. If the violator is a
30 lobbying firm, the Governor and Cabinet may also assess a fine
31

1 of not more than \$5,000 to be deposited in the Executive
2 Branch Lobby Registration Trust Fund.

3 ~~(11)(10)~~ Any person, when in doubt about the
4 applicability and interpretation of this section to himself or
5 herself in a particular context, may submit in writing the
6 facts of the situation to the commission with a request for an
7 advisory opinion to establish the standard of duty. An
8 advisory opinion shall be rendered by the commission and,
9 until amended or revoked, shall be binding on the conduct of
10 the person who sought the opinion, unless material facts were
11 omitted or misstated in the request.

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

17 ~~(13)(12)~~ Upon discovery of violations of this section
18 an agency or any person may file a sworn complaint with the
19 commission.

20 ~~(14)(13)~~ The commission shall adopt rules to
21 administer this section, which shall prescribe forms for
22 registration, compensation, and expenditure reports,
23 procedures for registration, and procedures that will prevent
24 disclosure of information that is confidential as provided in
25 this section.

26 Section 7. Effective April 1, 2007, subsection (5) of
27 section 112.3215, Florida Statutes, as amended by this act, is
28 amended to read:

29 112.3215 Lobbying before the executive branch or the
30 Constitution Revision Commission; registration and reporting;
31 investigation by commission.--

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

27 (b) A principal who is represented by two or more
28 lobbyists shall designate one lobbyist whose expenditure
29 report shall include all lobbying expenditures made directly
30 by the principal and those expenditures of the designated
31 lobbyist on behalf of that principal as required by paragraph

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

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

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

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

22 a. The full name, business address, and telephone
23 number of the lobbying firm;

24 b. The name of each of the firm's lobbyists; and

25 c. The total compensation provided or owed to the
26 lobbying firm from all principals for the reporting period,
27 reported in one of the following categories: \$0; less than
28 \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to
29 \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; or \$1
30 million or more.
31

1 2. For each principal represented by one or more of
2 the firm's lobbyists, the compensation report must also
3 include:

4 a. The full name, business address, and telephone
5 number of the principal;

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

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

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

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

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

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

4 (e) For each reporting period the commission shall
5 aggregate the expenditures of all lobbyists for a principal
6 represented by more than one lobbyist. Further, the commission
7 shall aggregate figures that provide a cumulative total of
8 expenditures reported as spent by and on behalf of each
9 principal for the calendar year. For each principal
10 represented by more than one lobbying firm, the division shall
11 also aggregate the reporting-period and calendar-year
12 compensation reported as provided or owed by the principal.

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

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

29 ~~(g)(h)~~ The commission shall provide by rule a
30 procedure by which a lobbying firm or lobbyist who fails to
31

1 | timely file a report shall be notified and assessed fines. The
2 | rule shall provide for the following:

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

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

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

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

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

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

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

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

1 Registration Office. A fine shall be assessed for any
2 subsequent late-filed reports.

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

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

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

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

4 (h)(j)1. Each lobbyist and each principal shall
5 preserve for a period of 4 years all accounts, bills,
6 receipts, computer records, books, papers, and other documents
7 and records necessary to substantiate lobbying expenditures.
8 Any documents and records retained pursuant to this section
9 may be inspected under reasonable circumstances by any
10 authorized representative of the commission. The right of
11 inspection may be enforced in circuit court.

12 2. Each lobbying firm and each principal shall
13 preserve for a period of 4 years all accounts, bills,
14 receipts, computer records, books, papers, and other documents
15 and records necessary to substantiate compensation. Any
16 documents and records retained pursuant to this section may be
17 subpoenaed for audit by the Auditor General pursuant to s.
18 11.45 and such subpoena may be enforced in circuit court.

19 Section 8. Effective April 1, 2007, section 112.32155,
20 Florida Statutes, is created to read:

21 112.32155 Electronic filing of compensation and
22 expenditure reports.--

23 (1) As used in this section, the term "electronic
24 filing system" means an Internet system for recording and
25 reporting lobbying compensation, expenditures, and other
26 required information by reporting period.

27 (2) Each lobbying firm or lobbyist who is required to
28 file reports with the Commission on Ethics pursuant to s.
29 112.3215 must file such reports with the commission by means
30 of the electronic filing system.

31

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

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

15 (5) The electronic filing system must:

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

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

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

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

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

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

29 (b) The issuance of an electronic receipt to the
30 person submitting the report indicating and verifying the date
31 and time that the report was filed.

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

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

13 Section 10. Except as otherwise expressly provided in
14 this act, this act shall take effect January 1, 2006, except
15 that the provisions governing the registration of legislative
16 and executive lobbyists convicted of a felony shall take
17 effect March 15, 2006.

SENATE SUMMARY

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2
3 Revises various provisions governing lobbying in this
4 state. Requires that a principal's main business be
5 identified. Requires lobbying firms and principals to
6 maintain certain records and documents. Revises the
7 reporting categories of expenditure reporting forms.
8 Requires that the forms include the name and address of
9 each person to whom an expenditure for food and beverages
10 was made, the date of the expenditure, and the name and
11 title of the legislator or employee for whom the
12 expenditure was made. Requires that lobbying firms file
13 quarterly compensation reports. Requires the Division of
14 Legislative Information Services to aggregate certain
15 compensation information. Provides procedures for
16 determining late-filing fines for compensation reports.
17 Provides fines and penalties for compensation-reporting
18 violations. Prohibits lobbying expenditures, except for
19 certain food and beverages and novelty items. Prohibits a
20 convicted felon from being registered as a legislative
21 lobbyist under certain circumstances. Requires that
22 compensation and expenditure reports be filed
23 electronically. Requires that the Auditor General conduct
24 random audits of the lobbying compensation reports. (See
25 bill for details.)
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