

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

1 prescribing fines and penalties for
2 compensation-reporting violations; providing
3 exceptions; prohibiting lobbying expenditures,
4 except for certain floral arrangements and
5 celebratory items; prohibiting principals from
6 providing lobbying compensation to any
7 individual or business entity other than a
8 lobbying firm; providing for the Legislature to
9 adopt rules to maintain and make publicly
10 available all advisory opinions and reports
11 relating to lobbying firms, to conform;
12 providing for the Legislature to adopt rules
13 authorizing legislative committees to
14 investigate certain persons and entities
15 engaged in legislative lobbying; providing for
16 the commission to investigate certain lobbying
17 firms for lobbying report violations; providing
18 procedures for disposing of lobbying report
19 investigations and proceedings; providing
20 penalties; providing for public access to
21 certain records; authorizing the commission to
22 adopt administration rules and forms relating
23 to compensation reporting; requiring
24 compensation reports to be filed
25 electronically; creating ss. 11.0455 and
26 112.32155, F.S.; defining the term "electronic
27 filing system"; providing requirements for
28 lobbying firms filing reports with the Division
29 of Legislative Information Services and the
30 Commission on Ethics by means of the division's
31 and the commission's electronic filing systems;

1 providing that such reports are considered to
2 be certified; providing requirements for the
3 electronic filing system; providing for the
4 Legislature and the commission to adopt rules
5 to administer the electronic filing system;
6 requiring alternate filing procedures;
7 requiring the issuance of electronic receipts;
8 requiring that the division and the commission
9 provide for public access to certain data;
10 amending s. 11.40, F.S.; requiring that the
11 Legislative Auditing Committee conduct random
12 audits of the compensation reports filed by
13 legislative branch and executive branch
14 lobbying firms; providing definitions;
15 prescribing conditions for the random
16 selection; directing the committee to provide
17 for a system to select lobbying firms to be
18 audited; requiring the committee to create and
19 maintain a list of approved auditors;
20 authorizing certain lobbying firms the ability
21 to select an auditor from an approved list;
22 prohibiting an auditor to audit lobbying firms
23 under specified circumstances; requiring a
24 sworn certification from the auditor and the
25 lobbying firm being audited; providing for
26 certain auditors to be solely engaged and
27 compensated by the state; providing the
28 required contents of the audit report;
29 providing for the determination of violations
30 of law to be made by Legislative rule;
31 prescribing a standard of cooperation by

1 lobbying firms being audited; providing
 2 guidelines for the committee to establish
 3 procedures for the selection of independent
 4 contractors; requiring the committee to adopt
 5 guidelines that govern random audits and field
 6 investigations; requiring that legislative
 7 lobbying audit reports be forwarded to the
 8 Legislature and executive lobbying audit
 9 reports be sent to the Commission on Ethics;
 10 specifying the initial reporting period that is
 11 subject to the requirements of the act;
 12 prohibiting persons convicted of a felony from
 13 being registered as a lobbyist until certain
 14 conditions are met; providing effective dates.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 11.045, Florida Statutes, is
 19 amended to read:

20 11.045 Lobbying before the Legislature ~~Lobbyists~~;
 21 registration and reporting; exemptions; penalties.--

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

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

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

1 ~~(c)(b)~~ "Division" means the Division of Legislative
2 Information Services within the Office of Legislative
3 Services.

4 ~~(d)(e)~~ "Expenditure" means a payment, distribution,
5 loan, advance, reimbursement, deposit, or anything of value
6 made by a lobbyist or principal for the purpose of lobbying. A
7 contribution made to a political party regulated under chapter
8 103 is not deemed an expenditure for purposes of this section.

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

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

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

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

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

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

10 (a) Registration is required for each principal
11 represented.

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

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

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

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

1 and records necessary to substantiate compensation ~~lobbying~~
2 ~~expenditures~~. Any documents and records retained pursuant to
3 this section may be subpoenaed for audit by legislative
4 subpoena of either house of the Legislature, and the subpoena
5 ~~inspected under reasonable circumstances by any authorized~~
6 ~~representative of the Legislature. The right of inspection may~~
7 ~~be enforced in circuit court by appropriate writ issued by any~~
8 ~~court of competent jurisdiction.~~

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

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

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

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

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

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

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

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

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

1 b. Total compensation provided or owed to the lobbying
2 firm for the reporting period, reported in one of the
3 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
4 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
5 \$50,000 or more. If the category, "\$50,000 or more" is
6 selected, the specific dollar amount of compensation must be
7 reported, rounded up or down to the nearest \$1,000.

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

10 a. The lobbying firm providing the work to be
11 subcontracted shall be treated as the reporting lobbying
12 firm's principal for reporting purposes under this paragraph;
13 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, and
21 certify that no compensation has been omitted from this report
22 by deeming such compensation as "consulting services," "media
23 services," "professional services," or anything other than
24 compensation, and certify that no officer or employee of the
25 firm has made an expenditure in violation of this section.

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

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

1 ~~expenditures by the lobbyist and the principal and the source~~
2 ~~of funds for such expenditures. All expenditures made by the~~
3 ~~lobbyist and the principal for the purpose of lobbying must be~~
4 ~~reported. Reporting of expenditures shall be made on an~~
5 ~~accrual basis. The report of such expenditures must identify~~
6 ~~whether the expenditure was made directly by the lobbyist,~~
7 ~~directly by the principal, initiated or expended by the~~
8 ~~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 by the category of the~~
15 ~~expenditure, including, but not limited to, the categories of~~
16 ~~food and beverages, entertainment, research, communication,~~
17 ~~media advertising, publications, travel, and lodging. Lobbying~~
18 ~~expenditures do not include a lobbyist's or principal's~~
19 ~~salary, office expenses, and personal expenses for lodging,~~
20 ~~meals, and travel.~~

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

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

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

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

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

1 by the United States Postal Service at the time of the
2 mailing, or a receipt from an established courier company
3 which bears a date on or before the due date, shall be proof
4 of mailing in a timely manner.

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

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

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

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

21 b. When the 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 lobbyist the first time any reports for which the

1 ~~lobbying firm lobbyist~~ is responsible are not timely filed.
2 However, to receive the one-time fine waiver, all reports for
3 which the lobbying firm lobbyist is responsible must be filed
4 within 30 days after notice that any reports have not been
5 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 lobbyist may appeal or dispute a
9 fine, based upon unusual circumstances surrounding the failure
10 to file on the designated due date, and may request and shall
11 be entitled to a hearing before the General Counsel of the
12 Office of Legislative Services, who shall recommend to the
13 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 lobbyist shall, within
22 the 30-day period, notify the person designated to review the
23 timeliness of reports in writing of his or her intention to
24 request a hearing.

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

1 of the House of Representatives. The President of the Senate
2 and the Speaker of the House of Representatives may grant or
3 deny the request.

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

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

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

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

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

1 appear in person before the committee. The rule shall provide
2 a procedure by which:

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

6 (b) The committee shall make sufficient deletions to
7 prevent disclosing the identity of persons in the decisions or
8 opinions.

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

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

19 ~~(7)(6)~~ Each house of the Legislature shall provide by
20 rule that a ~~the~~ committee of either house ~~shall~~ investigate
21 any person ~~engaged in legislative lobbying~~ upon receipt of a
22 sworn complaint alleging a violation of this section, s.
23 112.3148, or s. 112.3149 by such person; also, the rule shall
24 provide that a committee of either house investigate any
25 lobbying firm upon receipt of audit information indicating a
26 possible violation other than a late-filed report. Such
27 proceedings shall be conducted pursuant to the rules of the
28 respective houses. If the committee finds that there has been
29 a violation of this section, s. 112.3148, or s. 112.3149, it
30 shall report its findings to the President of the Senate or
31 the Speaker of the House of Representatives, as appropriate,

1 together with a recommended penalty, to include a fine of not
2 more than \$5,000, reprimand, censure, probation, or
3 prohibition from lobbying for a period of time not to exceed
4 24 months. Upon the receipt of such report, the President of
5 the Senate or the Speaker of the House of Representatives
6 shall cause the committee report and recommendations to be
7 brought before the respective house and a final determination
8 shall be made by a majority of said house.

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

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

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

4 11.045 Lobbying before the Legislature; registration
5 and reporting; exemptions; penalties.--

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

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

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

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

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

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

24 a. Full name, business address, and telephone number
25 of the principal; and

26 b. Total compensation provided or owed to the lobbying
27 firm for the reporting period, reported in one of the
28 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
29 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
30 \$50,000 or more. If the category, "\$50,000 or more" is
31

1 selected, the specific dollar amount of compensation must be
2 reported, rounded up or down to the nearest \$1,000.

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

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

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

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

16 (b) For each principal represented by more than one
17 lobbying firm, the division shall aggregate the
18 reporting-period and calendar-year compensation reported as
19 provided or owed by the principal.

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

29 ~~(d) Reports shall be filed not later than 5 p.m. of~~
30 ~~the report due date. However, any report that is postmarked by~~
31 ~~the United States Postal Service no later than midnight of the~~

1 ~~due date shall be deemed to have been filed in a timely~~
2 ~~manner, and a certificate of mailing obtained from and dated~~
3 ~~by the United States Postal Service at the time of the~~
4 ~~mailing, or a receipt from an established courier company~~
5 ~~which bears a date on or before the due date, shall be proof~~
6 ~~of mailing in a timely manner.~~

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

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

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

21 a. When a report is actually received by the lobbyist
22 registration and reporting office.

23 b. When the electronic receipt issued pursuant to s.
24 11.0455 is dated. ~~When the report is postmarked.~~

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

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

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

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1 The moneys shall be deposited into the Legislative Lobbyist
2 Registration Trust Fund.

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

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

27 6. A lobbying firm may request that the filing of a
28 report be waived upon good cause shown, based on unusual
29 circumstances. The request must be filed with the General
30 Counsel of the Office of Legislative Services, who shall make
31 a recommendation concerning the waiver request to the

1 President of the Senate and the Speaker of the House of
2 Representatives. The President of the Senate and the Speaker
3 of the House of Representatives may grant or deny the request.

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

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

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

16 11.0455 Electronic filing of compensation reports and
17 other information.--

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

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

26 (3) A report filed pursuant to this section must be
27 completed and filed through the electronic filing system not
28 later than 11:59 p.m. of the day designated in s. 11.045. A
29 report not filed by 11:59 p.m. of the day designated is a
30 late-filed report and is subject to the penalties under s.
31 11.045(3).

1 (4) Each report filed pursuant to this section is
2 considered to meet the certification requirements of s.
3 11.045(3)(a)4., and as such subjects the person responsible
4 for filing and the lobbying firm to the provisions of ss.
5 11.045(7) and (8). Persons given a secure sign-on to the
6 electronic filing system are responsible for protecting it
7 from disclosure and are responsible for all filings using such
8 credentials, unless they have notified the division that their
9 credentials have been compromised.

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

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

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

15 (c) Provide for direct entry of compensation-report
16 information as well as upload of such information from
17 software authorized by the division.

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

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

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

26 (b) The issuance of an electronic receipt to the
27 person submitting the report indicating and verifying the date
28 and time that the report was filed.

29 (7) Each house of the Legislature shall provide by
30 rule that the division make all the data filed available on
31 the Internet in an easily understood and accessible format.

1 The Internet website shall also include, but not be limited
2 to, the names and business addresses of lobbyists, lobbying
3 firms, and principals, the affiliations between lobbyists and
4 principals, and the classification system designated and
5 identified by each principal pursuant to s. 11.045(2).

6 Section 4. Effective February 15, 2007, subsection (6)
7 is added to section 11.40, Florida Statutes, to read:

8 11.40 Legislative Auditing Committee.--

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

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

23 (c) The committee shall create and maintain a list of
24 not less than 10 independent contract auditors approved to
25 conduct the required audits. Each lobbying firm selected for
26 audit in the random audit process may designate one of the
27 independent contract auditors from the committee's approved
28 list. Upon failure for any reason of a lobbying firm selected
29 in the random selection process to designate an independent
30 contract auditor from the committee's list within 30 calendar
31 days after being notified by the committee of its selection,

1 the committee shall assign one of the available independent
2 contract auditors from the approved list to perform the
3 required audit. No independent contract auditor, whether
4 designated by the lobbying firm or by the committee, may
5 perform the audit of a lobbying firm where the auditor and
6 lobbying firm have ever had a direct personal relationship or
7 any professional accounting, auditing, tax advisory, or tax
8 preparing relationship with each other. The committee shall
9 obtain a written, sworn certification subject to s. 837.06,
10 both from the randomly selected lobbying firm and from the
11 proposed independent contract auditor, that no such
12 relationship has ever existed.

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

16 (e) Any violations of law, deficiencies, or material
17 misstatements discovered and noted in an audit report shall be
18 clearly identified in the audit report and be determined under
19 the rules of either house of the Legislature or under the
20 joint rules, as applicable.

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

26 (g) The committee shall establish procedures for the
27 selection of independent contract auditors desiring to enter
28 into audit contracts pursuant to this subsection. Such
29 procedures shall include, but not be limited to, a rating
30 system that takes into account pertinent information,
31 including the independent contract auditor's fee proposals for

1 participating in the process. All contracts under this
2 subsection between an independent contract auditor and the
3 Speaker of the House of Representatives and the President of
4 the Senate shall be terminable by either party at any time
5 upon written notice to the other, and such contracts may
6 contain such other terms and conditions as the Speaker of the
7 House of Representatives and the President of the Senate deem
8 appropriate under the circumstances.

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

23 (i) All audit reports of legislative lobbying firms
24 shall, upon completion by an independent contract auditor, be
25 delivered to the President of the Senate and the Speaker of
26 the House of Representatives for their respective review and
27 handling. All audit reports of executive branch lobbyists,
28 upon completion by an independent contract auditor, shall be
29 delivered by the auditor to the Commission on Ethics.

30 Section 5. Section 112.3215, Florida Statutes, is
31 amended to read:

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

4 (1) For the purposes of this section:

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

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

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

18 **(d)(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. A**
21 **contribution made to a political party regulated under chapter**
22 **103 is not deemed an expenditure for purposes of this section.**

23 **(e)(e) "Fund" means the Executive Branch Lobby**
24 **Registration Trust Fund.**

25 **(f)(d) "Lobbies" means seeking, on behalf of another**
26 **person, to influence an agency with respect to a decision of**
27 **the agency in the area of policy or procurement or an attempt**
28 **to obtain the goodwill of an agency official or employee.**
29 "Lobbies" also means influencing or attempting to influence,
30 on behalf of another, the Constitution Revision Commission's
31 action or nonaction through oral or written communication or

1 an attempt to obtain the goodwill of a member or employee of
2 the Constitution Revision Commission.

3 (g) "Lobbying firm" means a business entity, including
4 an individual contract lobbyist, that receives or becomes
5 entitled to receive any compensation for the purpose of
6 lobbying, where any partner, owner, officer, or employee of
7 the business entity is a lobbyist.

8 (h)(e) "Lobbyist" means a person who is employed and
9 receives payment, or who contracts for economic consideration,
10 for the purpose of lobbying, or a person who is principally
11 employed for governmental affairs by another person or
12 governmental entity to lobby on behalf of that other person or
13 governmental entity. "Lobbyist" does not include a person who
14 is:

15 1. An attorney, or any person, who represents a client
16 in a judicial proceeding or in a formal administrative
17 proceeding conducted pursuant to chapter 120 or any other
18 formal hearing before an agency, board, commission, or
19 authority of this state.

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

23 3. A confidential informant who is providing, or
24 wishes to provide, confidential information to be used for law
25 enforcement purposes.

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

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

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

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

21 (a) Name and business address;

22 (b) The name and business address of each principal
23 represented;

24 (c) His or her area of interest;

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

26 and

27 (e) The existence of any direct or indirect business
28 association, partnership, or financial relationship with any
29 employee of an agency with which he or she lobbies, or intends
30 to lobby, as disclosed in the registration.
31

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

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

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

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

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

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

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

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

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

31

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

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

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

17 (b) For each principal represented by more than one
18 lobbying firm, the commission shall aggregate the
19 reporting-period and calendar-year compensation reported as
20 provided or owed by the principal.

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

1 ~~principal and paid for by the lobbyist. The principal is~~
2 ~~responsible for the accuracy of the expenditures reported as~~
3 ~~lobbying expenditures made by the principal. The lobbyist is~~
4 ~~responsible for the accuracy of the expenditures reported as~~
5 ~~lobbying expenditures made by the lobbyist. Expenditures made~~
6 ~~must be reported by the category of the expenditure,~~
7 ~~including, but not limited to, the categories of food and~~
8 ~~beverages, entertainment, research, communication, media~~
9 ~~advertising, publications, travel, and lodging. Lobby~~
10 ~~expenditures do not include a lobbyist's or principal's~~
11 ~~salary, office expenses, and personal expenses for lodging,~~
12 ~~meals, and travel.~~

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

27 ~~(c) For each reporting period the commission shall~~
28 ~~aggregate the expenditures of all lobbyists for a principal~~
29 ~~represented by more than one lobbyist. Further, the commission~~
30 ~~shall aggregate figures that provide a cumulative total of~~
31

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

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

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

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

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

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

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

3 b. When the report is postmarked.

4 c. When the certificate of mailing is dated.

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

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

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

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

1 his or her intention to bring the matter before the
2 commission.

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

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

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

20 ~~(g)(h)~~ Each lobbying firm lobbyist and each principal
21 shall preserve for a period of 4 years all accounts, bills,
22 receipts, computer records, books, papers, and other documents
23 and records necessary to substantiate compensation lobbying
24 ~~expenditures~~. Any documents and records retained pursuant to
25 this section may be subpoenaed for audit by the Legislative
26 Auditing Committee pursuant to s. 11.40, and such subpoena
27 ~~inspected under reasonable circumstances by any authorized~~
28 ~~representative of the commission. The right of inspection may~~
29 ~~be enforced in circuit court by appropriate writ issued by any~~
30 ~~court of competent jurisdiction.~~

31

1 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or
2 any other provision of law to the contrary, no lobbyist or
3 principal shall make, directly or indirectly, and no agency
4 official, member, or employee shall knowingly accept, directly
5 or indirectly, any expenditure.

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

9 ~~(7)(6)~~ A lobbyist shall promptly send a written
10 statement to the commission canceling the registration for a
11 principal upon termination of the lobbyist's representation of
12 that principal. Notwithstanding this requirement, the
13 commission may remove the name of a lobbyist from the list of
14 registered lobbyists if the principal notifies the office that
15 a person is no longer authorized to represent that principal.
16 ~~Each lobbyist is responsible for filing an expenditure report~~
17 ~~for each period during any portion of which he or she was~~
18 ~~registered, and each principal is responsible for seeing that~~
19 ~~an expenditure report is filed for each period during any~~
20 ~~portion of which the principal was represented by a registered~~
21 ~~lobbyist.~~

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

28 (b) All proceedings, the complaint, and other records
29 relating to the investigation are confidential and exempt from
30 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
31 State Constitution, and any meetings held pursuant to an

1 investigation are exempt from the provisions of s. 286.011(1)
2 and s. 24(b), Art. I of the State Constitution either until
3 the alleged violator requests in writing that such
4 investigation and associated records and meetings be made
5 public or until the commission determines, based on the
6 investigation, whether probable cause exists to believe that a
7 violation has occurred.

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

13 ~~(9)(8)~~ If the commission finds no probable cause to
14 believe that a violation of this section occurred, it shall
15 dismiss the complaint, whereupon the complaint, together with
16 a written statement of the findings of the investigation and a
17 summary of the facts, shall become a matter of public record,
18 and the commission shall send a copy of the complaint,
19 findings, and summary to the complainant and the alleged
20 violator. If, after investigating information from a random
21 audit of lobbying reports, the commission finds no probable
22 cause to believe that a violation of this section occurred, a
23 written statement of the findings of the investigation and a
24 summary of the facts shall become a matter of public record,
25 and the commission shall send a copy of the findings and
26 summary to the alleged violator. If the commission finds
27 probable cause to believe that a violation occurred, it shall
28 report the results of its investigation to the Governor and
29 Cabinet and send a copy of the report to the alleged violator
30 by certified mail. Such notification and all documents made or
31 received in the disposition of the complaint shall then become

1 public records. Upon request submitted to the Governor and
2 Cabinet in writing, any person whom the commission finds
3 probable cause to believe has violated any provision of this
4 section shall be entitled to a public hearing. Such person
5 shall be deemed to have waived the right to a public hearing
6 if the request is not received within 14 days following the
7 mailing of the probable cause notification. However, the
8 Governor and Cabinet may on its own motion require a public
9 hearing and may conduct such further investigation as it deems
10 necessary.

11 ~~(10)(9)~~ If the Governor and Cabinet finds that a
12 violation occurred, it may reprimand the violator, censure the
13 violator, or prohibit the violator from lobbying all agencies
14 for a period not to exceed 2 years. If the violator is a
15 lobbying firm, the Governor and Cabinet may also assess a fine
16 of not more than \$5,000 to be deposited in the Executive
17 Branch Lobby Registration Trust Fund.

18 ~~(11)(10)~~ Any person, when in doubt about the
19 applicability and interpretation of this section to himself or
20 herself in a particular context, may submit in writing the
21 facts of the situation to the commission with a request for an
22 advisory opinion to establish the standard of duty. An
23 advisory opinion shall be rendered by the commission and,
24 until amended or revoked, shall be binding on the conduct of
25 the person who sought the opinion, unless material facts were
26 omitted or misstated in the request.

27 ~~(12)(11)~~ Agencies shall be diligent to ascertain
28 whether persons required to register pursuant to this section
29 have complied. An agency may not knowingly permit a person who
30 is not registered pursuant to this section to lobby the
31 agency.

1 ~~(13)~~~~(12)~~ Upon discovery of violations of this section
2 an agency or any person may file a sworn complaint with the
3 commission.

4 ~~(14)~~~~(13)~~ The commission shall adopt rules to
5 administer this section, which shall prescribe forms for
6 registration and compensation ~~expenditure~~ reports, procedures
7 for registration, and procedures that will prevent disclosure
8 of information that is confidential as provided in this
9 section.

10 Section 6. Effective April 1, 2007, subsection (5) of
11 section 112.3215, Florida Statutes, as amended by this act, is
12 amended to read:

13 112.3215 Lobbying before the executive branch or the
14 Constitution Revision Commission; registration and reporting;
15 investigation by commission.--

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

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

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

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

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

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

3 b. Total compensation provided or owed to the lobbying
4 firm for the reporting period, reported in one of the
5 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
6 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
7 \$50,000 or more. If the category, "\$50,000 or more" is
8 selected, the specific dollar amount of compensation must be
9 reported, rounded up or down to the nearest \$1,000.

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

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

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

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

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

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

1 through December 31, respectively. Reporting statements must
2 be filed by electronic means as provided in s. 112.32155.

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

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

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

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

25 a. When a report is actually received by the lobbyist
26 registration and reporting office.

27 b. When the electronic receipt issued pursuant to s.
28 112.32155 is dated. ~~When the report is postmarked.~~

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

30 ~~d. When the receipt from an established courier~~
31 ~~company is dated.~~

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

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

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

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

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

1 days after the notice of payment due or more than 60 days
 2 after the commission renders a final order on the lobbying
 3 firm's appeal shall be collected by the Department of
 4 Financial Services as a claim, debt, or other obligation owed
 5 to the state, and the department may assign the collection of
 6 such fine to a collection agent as provided in s. 17.20.

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

10 ~~(e)(g)~~ Each lobbying firm and each principal shall
 11 preserve for a period of 4 years all accounts, bills,
 12 receipts, computer records, books, papers, and other documents
 13 and records necessary to substantiate compensation. Any
 14 documents and records retained pursuant to this section may be
 15 subpoenaed for audit by the Legislative Auditing Committee
 16 pursuant to s. 11.40, and such subpoena may be enforced in
 17 circuit court.

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

20 112.32155 Electronic filing of compensation reports
 21 and other information.--

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

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

30 (3) A report filed pursuant to this section must be
 31 completed and filed through the electronic filing system not

1 later than 11:59 p.m. of the day designated in s. 112.3215. A
2 report not filed by 11:59 p.m. of the day designated is a
3 late-filed report and is subject to the penalties under s.
4 112.3215(5).

5 (4) Each report filed pursuant to this section is
6 considered to meet the certification requirements of s.
7 112.3215(5)(a)4. Persons given a secure sign-on to the
8 electronic filing system are responsible for protecting it
9 from disclosure and are responsible for all filings using such
10 credentials, unless they have notified the commission that
11 their credentials have been compromised.

12 (5) The electronic filing system must:

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

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

16 (c) Provide for direct entry of compensation-report
17 information as well as upload of such information from
18 software authorized by the commission.

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

21 (6) The commission shall provide by rule procedures to
22 implement and administer this section, including, but not
23 limited to:

24 (a) Alternate filing procedures in case the electronic
25 filing system is not operable.

26 (b) The issuance of an electronic receipt to the
27 person submitting the report indicating and verifying the date
28 and time that the report was filed.

29 (7) The commission shall make all the data filed
30 available on the Internet in an easily understood and
31 accessible format. The Internet web site shall also include,

1 but not be limited to, the names and business addresses of
2 lobbyists, lobbying firms, and principals, affiliations
3 between lobbyists and principals, and the classification
4 system designated and identified by each principal pursuant to
5 s. 112.3215(3).

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

10 Section 9. A person convicted of a felony after
11 January 1, 2006, may not be registered as a lobbyist pursuant
12 to s. 11.045 or s. 112.3125, Florida Statutes, until the
13 person:

14 (1) Has been released from incarceration and any
15 postconviction supervision, and has paid all court costs and
16 court-ordered restitution; and

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

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