1	
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.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 11.045, Florida Statutes, is
19	amended to read:
20	11.045 <u>Lobbying before the Legislature</u> 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.

(c)(b) "Division" means the Division of Legislative Information Services within the Office of Legislative 3 Services. 4 (d)(c) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value 5 made by a lobbyist or principal for the purpose of lobbying. A 6 contribution made to a political party regulated under chapter 8 103 is not deemed an expenditure for purposes of this section. 9 (e)(d) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official 10 action on any measure, resolution, amendment, nomination, 11 appointment, or report of, or any matter which may be the 12 13 subject of action by, either house of the Legislature or any 14 committee thereof.

 $\underline{(f)}$ "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

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

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

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- (i)(g) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.
- (2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:
- (a) Registration is required for each principal represented.
- (b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the Office of Legislative Services.
- (c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.
- (d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.
- (e) Each <u>lobbying firm</u> lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, 31 receipts, computer records, books, papers, and other documents

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and records necessary to substantiate <u>compensation</u> lobbying expenditures. Any documents and records retained pursuant to this section may be <u>subpoenaed for audit by legislative</u> subpoena of either house of the Legislature, and the subpoena inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced <u>in circuit court</u> by appropriate writ issued by any court of competent jurisdiction.

- (f) All registrations shall be open to the public.
- (g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.
- (3) Each house of the Legislature shall provide by rule the following reporting requirements:
- (a)1. Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:
- a. Full name, business address, and telephone number

 of the lobbying firm;
 - b. Name of each of the firm's lobbyists; and
- 22 <u>c. Total compensation provided or owed to the lobbying</u>
 23 <u>firm from all principals for the reporting period, reported in</u>
 24 <u>one of the following categories: \$0; \$1 to \$49,999; \$50,000 to</u>
- 25 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
- 26 to \$999,999; \$1 million or more.
- 2. For each principal represented by one or more of
 the firm's lobbyists, the lobbying firm's compensation report
 shall also include the:
- a. Full name, business address, and telephone number
 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	<u>and</u>
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

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expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. (b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements

paragraph (a). The principal is responsible for the accuracy

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

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

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

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

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

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

- 1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the <u>lobbying firm lobbyist</u> as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.
- 2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:
- a. When a report is actually received by the lobbyist registration and reporting office.
 - b. When the report is postmarked.
 - c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.
- 3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.
- 4. A fine shall not be assessed against a <u>lobbying</u>

 1 firm <u>lobbyist</u> the first time any reports for which the

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- lobbying firm lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the <u>lobbying firm</u> lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
- 5. Any lobbying firm lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.
- 6. A <u>lobbying firm</u> lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of a an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the 31 | waiver request to the President of the Senate and the Speaker

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

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

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

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

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

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

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

- (a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.
- (b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.
- (c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

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

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

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

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

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

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

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

- (3) Each house of the Legislature shall provide by rule the following reporting requirements:
- (a)1. Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:
- a. Full name, business address, and telephone number of the lobbying firm;
 - b. Name of each of the firm's lobbyists; and
- c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.
- 2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:
- a. Full name, business address, and telephone number of the principal; and
- b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category, "\$50,000 or more" is

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

- 3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:
- a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and
- b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.
- 4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.
- (b) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.
- (c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements <u>must may</u> be filed by electronic means <u>as provided</u> in s. 11.0455, when feasible.
- (d) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the

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

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

- 1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.
- 2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:
- a. When a report is actually received by the lobbyist registration and reporting office.
- b. When the electronic receipt issued pursuant to s.

 11.0455 is dated. When the report is postmarked.
 - c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.
- 3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division.

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

- 4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
- 5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.
- 6. A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make 31 a recommendation concerning the waiver request to the

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

- 7. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals of any suspension or reinstatement.
- 8. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

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

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

- (1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.
- (2) Each lobbying firm that is required to file reports with the Division of Legislative Information Services pursuant to s. 11.045 must file such reports with the division by means of the division's electronic filing system.
- (3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 11.045. A report not filed by 11:59 p.m. of the day designated is a 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

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The Internet website shall also include, but not be limited
   to, the names and business addresses of lobbyists, lobbying
   firms, and principals, the affiliations between lobbyists and
 3
   principals, and the classification system designated and
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    identified by each principal pursuant to s. 11.045(2).
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           Section 4. Effective February 15, 2007, subsection (6)
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   is added to section 11.40, Florida Statutes, to read:
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           11.40 Legislative Auditing Committee. --
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          (6)(a) As used in this subsection, "independent
    contract auditor" means a state-licensed certified public
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   accountant or firm with which a state-licensed certified
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   public accountant is currently employed or associated who is
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   actively engaged in the accounting profession.
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          (b) Audits specified in this subsection cover the
   quarterly compensation reports for the previous calendar year
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    for a random sample of 3 percent of all legislative branch
16
   lobbying firms and a random sample of 3 percent of all
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   executive branch lobbying firms calculated using as the total
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   number of such lobbying firms those filing a compensation
   report for the preceding calendar year. The committee shall
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   provide for a system of random selection of the lobbying firms
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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
   conduct the required audits. Each lobbying firm selected for
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   audit in the random audit process may designate one of the
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    independent contract auditors from the committee's approved
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   list. Upon failure for any reason of a lobbying firm selected
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   in the random selection process to designate an independent
   contract auditor from the committee's list within 30 calendar
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   days after being notified by the committee of its selection,
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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	(q) 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,
2 1	including the independent contract auditor's fee proposals for

amended to read:

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participating in the process. All contracts under this
   subsection between an independent contract auditor and the
   Speaker of the House of Representatives and the President of
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   the Senate shall be terminable by either party at any time
 4
   upon written notice to the other, and such contracts may
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   contain such other terms and conditions as the Speaker of the
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 7
   House of Representatives and the President of the Senate deem
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   appropriate under the circumstances.
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          (h) The committee shall adopt quidelines that govern
   random audits and field investigations conducted pursuant to
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   this subsection. The quidelines shall ensure that similarly
11
   situated compensation reports are audited in a uniform manner.
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   The guidelines shall also be formulated to encourage
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   compliance and detect violations of the legislative and
   executive lobbying compensation reporting requirements in ss.
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   11.045 and 112.3215 and to ensure that each audit is conducted
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   with maximum efficiency in a cost-effective manner. In
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18
   adopting the guidelines, the committee shall consider relevant
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   quidelines and standards of the American Institute of
   Certified Public Accountants to the extent that such
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   guidelines and standards are applicable and consistent with
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   the purposes set forth in this subsection.
23
          (i) All audit reports of legislative lobbying firms
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   shall, upon completion by an independent contract auditor, be
   delivered to the President of the Senate and the Speaker of
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   the House of Representatives for their respective review and
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   handling. All audit reports of executive branch lobbyists,
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   upon completion by an independent contract auditor, shall be
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   delivered by the auditor to the Commission on Ethics.
           Section 5. Section 112.3215, Florida Statutes, is
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- 112.3215 <u>Lobbying</u> Lobbyists before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission .--
 - (1) For the purposes of this section:
- (a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.
- (b) "Agency official" or "employee" means any individual who is required by law to file full or limited public disclosure of his or her financial interests.
- (c) "Compensation" means a payment, distribution, <u>loan, advance, reimbursement, deposit, salary, fee, retainer,</u> or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.
- (d)(b) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.
- (e)(c) "Fund" means the Executive Branch Lobby Registration Trust Fund.
- (f)(d) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's 31 action or nonaction through oral or written communication or

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

- (q) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.
- (h)(e) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:
- 1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
- 2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
- 3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
- 4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

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- (2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.
- has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each the lobbyist to disclose, under oath, the following information:
 - (a) Name and business address;
- (b) The name and business address of each principal represented;
 - (c) His or her area of interest;
- $\mbox{(d)} \quad \mbox{The agencies before which he or she will appear;} \\$ and
- (e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

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

principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as 3 lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported by the category of the expenditure, 6 including, but not limited to, the categories of food and 8 beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobby 9 expenditures do not include a lobbyist's or principal's 10 salary, office expenses, and personal expenses for lodging, 11 meals, and travel. 12 13 (b) A principal who is represented by two or more 14 lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly 15 by the principal and those expenditures of the designated 16 lobbyist on behalf of that principal as required by paragraph 17 18 (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The 19 report of lobbying expenditures by the principal shall be made 20 pursuant to the requirements of paragraph (a). The principal 2.1 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 accuracy of the figures reported as lobbying expenditures made 2.5 by that lobbyist. 26 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 shall aggregate figures that provide a cumulative total of 30

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

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

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

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

- 1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.
- 2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount 31 of the fine due based upon the earliest of the following:

- a. When a report is actually received by the lobbyist registration and reporting office.
 - b. When the report is postmarked.
 - c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.
- 3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.
- 4. A fine shall not be assessed against a <u>lobbying</u> firm <u>lobbyist</u> the first time any reports for which the <u>lobbying firm lobbyist</u> is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the <u>lobbying firm lobbyist</u> is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
- 5. Any <u>lobbying firm lobbyist</u> may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the <u>lobbying firm lobbyist</u> shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of

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

- 6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.
- 7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

 $\underline{\text{(f)}}$ The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

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

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	<u>(6)(</u>	a)	Notwi	thst	and	ing	s. 1	L12.	. 314	8,	s.	112	.314	9,	or	
any o	ther	prov	visior	n of	law	to	the	cor	ntra	ry,	no	lok	obyi	st	or	
princ	ipal	shal	ll mak	ce, d	dire	ctly	or	inc	dire	ctl	У,	and	no	age	ncy	
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or in	direc	tly	any	expe	endi	ture	<u>.</u>									
	(b)	No	perso	n sh	nall	pro	vide	e co	ompe	nsa	tio	n fo	or 1	.obb	vina	

to any individual or business entity that is not a lobbying firm.

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

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

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from 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

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

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

(9) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If, after investigating information from a random audit of lobbying reports, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or 31 received in the disposition of the complaint shall then become

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27 28 public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

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

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

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

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

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

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

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

- (5)(a)1. Each lobbying firm shall file a compensation report with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:
- a. Full name, business address, and telephone number 22 of the lobbying firm;
 - b. Name of each of the firm's lobbyists; and
 - c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.
- 29 2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report 30 31 shall also include the:

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- a. Full name, business address, and telephone number of the principal; and
- b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category, "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.
- 3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:
- a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and
- b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.
- 4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.
- (b) For each principal represented by more than one lobbying firm, the commission shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.
- (c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1

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through December 31, respectively. Reporting statements must 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 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 which bears a date on or before the due date, shall be proof 10 of mailing in a timely manner. 11 (d)(e) The commission shall provide by rule a 12 13 procedure by which a lobbying firm that fails to timely file a 14 report shall be notified and assessed fines. The rule shall provide for the following: 15 1. Upon determining that the report is late, the 16 person designated to review the timeliness of reports shall 17 18 immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for 19 each late day. The fine shall be \$50 per day per report for 20

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

each late day up to a maximum of \$5,000 per late report.

- a. When a report is actually received by the lobbyist registration and reporting office.
- b. When the electronic receipt issued pursuant to s.

 112.32155 is dated. When the report is postmarked.
 - c. When the certificate of mailing is dated.
- 30 d. When the receipt from an established courier
 31 company is dated.

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- 3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.
- 4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
- 5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.
- 6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.
- 7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final 31 order of the commission and that remains unpaid more than 60

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

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

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

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

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

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

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

(3) A report filed pursuant to this section must be 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	<pre>limited to:</pre>
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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CODING: Words stricken are deletions; words underlined are additions.