

1 A bill to be entitled
2 An act relating to lobbying; amending ss. 11.045 and
3 112.3215, F.S.; revising provisions relating to reporting
4 requirements for legislative lobbyists and lobbyists of
5 the executive branch and Constitution Revision Commission;
6 removing a requirement that each lobbying firm and
7 principal maintain certain records and documents for a
8 specified period; removing a provision specifying judicial
9 jurisdiction for enforcing the right to subpoena certain
10 documents and records for audit; removing requirements for
11 each lobbying firm to file quarterly compensation reports;
12 removing a requirement that the Legislature adopt rules
13 authorizing legislative committees to investigate any
14 lobbying firm upon receipt of certain information;
15 removing a provision authorizing the Commission on Ethics
16 to adopt rules and forms relating to compensation
17 reporting; amending ss. 11.0455 and 112.32155, F.S.;
18 revising the definition of the term "electronic filing
19 system"; removing provisions relating to electronic
20 compensation report filing requirements; amending s.
21 112.313, F.S.; correcting a reference; repealing ss. 2, 4,
22 and 6 of ch. 2005-359, Laws of Florida, relating to
23 reporting requirements for legislative lobbyists,
24 compensation report auditing requirements for the
25 Legislative Auditing Committee, and reporting requirements
26 for lobbyists of the executive branch and Constitution
27 Revision Commission; providing effective dates.
28

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

30
 31 Section 1. Section 11.045, Florida Statutes, as amended by
 32 section 1 of chapter 2005-359, Laws of Florida, is amended to
 33 read:

34 11.045 Lobbying before the Legislature; registration ~~and~~
 35 ~~reporting~~; exemptions; penalties.--

36 (1) As used in this section, unless the context otherwise
 37 requires:

38 (a) "Committee" means the committee of each house charged
 39 by the presiding officer with responsibility for ethical conduct
 40 of lobbyists.

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

45 (c) "Division" means the Division of Legislative
 46 Information Services within the Office of Legislative Services.

47 (d) "Expenditure" means a payment, distribution, loan,
 48 advance, reimbursement, deposit, or anything of value made by a
 49 lobbyist or principal for the purpose of lobbying. A
 50 contribution made to a political party regulated under chapter
 51 103 is not deemed an expenditure for purposes of this section.

52 (e) "Legislative action" means introduction, sponsorship,
 53 testimony, debate, voting, or any other official action on any
 54 measure, resolution, amendment, nomination, appointment, or
 55 report of, or any matter which may be the subject of action by,
 56 either house of the Legislature or any committee thereof.

57 (f) "Lobbying" means influencing or attempting to
58 influence legislative action or nonaction through oral or
59 written communication or an attempt to obtain the goodwill of a
60 member or employee of the Legislature.

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

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

71 (i) "Principal" means the person, firm, corporation, or
72 other entity which has employed or retained a lobbyist.

73 (2) Each house of the Legislature shall provide by rule,
74 or may provide by a joint rule adopted by both houses, for the
75 registration of lobbyists who lobby the Legislature. The rule
76 may provide for the payment of a registration fee. The rule may
77 provide for exemptions from registration or registration fees.
78 The rule shall provide that:

79 (a) Registration is required for each principal
80 represented.

81 (b) Registration shall include a statement signed by the
82 principal or principal's representative that the registrant is
83 authorized to represent the principal. The principal shall also
84 identify and designate its main business on the statement

85 authorizing that lobbyist pursuant to a classification system
86 approved by the Office of Legislative Services.

87 (c) A registrant shall promptly send a written statement
88 to the division canceling the registration for a principal upon
89 termination of the lobbyist's representation of that principal.
90 Notwithstanding this requirement, the division may remove the
91 name of a registrant from the list of registered lobbyists if
92 the principal notifies the office that a person is no longer
93 authorized to represent that principal.

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

97 ~~(e) Each lobbying firm and each principal shall preserve~~
98 ~~for a period of 4 years all accounts, bills, receipts, computer~~
99 ~~records, books, papers, and other documents and records~~
100 ~~necessary to substantiate compensation. Any documents and~~
101 ~~records retained pursuant to this section may be subpoenaed for~~
102 ~~audit by legislative subpoena of either house of the~~
103 ~~Legislature, and the subpoena may be enforced in circuit court.~~

104 (e)~~(f)~~ All registrations shall be open to the public.

105 (f)~~(g)~~ Any person who is exempt from registration under
106 the rule shall not be considered a lobbyist for any purpose.

107 ~~(3) Each house of the Legislature shall provide by rule~~
108 ~~the following reporting requirements:~~

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

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- 113 ~~a. Full name, business address, and telephone number of~~
114 ~~the lobbying firm;~~
- 115 ~~b. Name of each of the firm's lobbyists; and~~
- 116 ~~c. Total compensation provided or owed to the lobbying~~
117 ~~firm from all principals for the reporting period, reported in~~
118 ~~one of the following categories: \$0; \$1 to \$49,999; \$50,000 to~~
119 ~~\$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to~~
120 ~~\$999,999; \$1 million or more.~~
- 121 ~~2. For each principal represented by one or more of the~~
122 ~~firm's lobbyists, the lobbying firm's compensation report shall~~
123 ~~also include the:~~
- 124 ~~a. Full name, business address, and telephone number of~~
125 ~~the principal; and~~
- 126 ~~b. Total compensation provided or owed to the lobbying~~
127 ~~firm for the reporting period, reported in one of the following~~
128 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~
129 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~
130 ~~more. If the category "\$50,000 or more" is selected, the~~
131 ~~specific dollar amount of compensation must be reported, rounded~~
132 ~~up or down to the nearest \$1,000.~~
- 133 ~~3. If the lobbying firm subcontracts work from another~~
134 ~~lobbying firm and not from the original principal:~~
- 135 ~~a. The lobbying firm providing the work to be~~
136 ~~subcontracted shall be treated as the reporting lobbying firm's~~
137 ~~principal for reporting purposes under this paragraph; and~~
- 138 ~~b. The reporting lobbying firm shall, for each lobbying~~
139 ~~firm identified under subparagraph 2., identify the name and~~
140 ~~address of the principal originating the lobbying work.~~

141 ~~4. The senior partner, officer, or owner of the lobbying~~
142 ~~firm shall certify to the veracity and completeness of the~~
143 ~~information submitted pursuant to this paragraph, and certify~~
144 ~~that no compensation has been omitted from this report by~~
145 ~~deeming such compensation as "consulting services," "media~~
146 ~~services," "professional services," or anything other than~~
147 ~~compensation, and certify that no officer or employee of the~~
148 ~~firm has made an expenditure in violation of this section.~~

149 ~~(b) For each principal represented by more than one~~
150 ~~lobbying firm, the division shall aggregate the reporting period~~
151 ~~and calendar year compensation reported as provided or owed by~~
152 ~~the principal.~~

153 ~~(c) The reporting statements shall be filed no later than~~
154 ~~45 days after the end of each reporting period. The four~~
155 ~~reporting periods are from January 1 through March 31, April 1~~
156 ~~through June 30, July 1 through September 30, and October 1~~
157 ~~through December 31, respectively. The statements shall be~~
158 ~~rendered in the identical form provided by the respective houses~~
159 ~~and shall be open to public inspection. Reporting statements may~~
160 ~~be filed by electronic means, when feasible.~~

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

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

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

175 ~~1. Upon determining that the report is late, the person~~
176 ~~designated to review the timeliness of reports shall immediately~~
177 ~~notify the lobbying firm as to the failure to timely file the~~
178 ~~report and that a fine is being assessed for each late day. The~~
179 ~~fine shall be \$50 per day per report for each late day, not to~~
180 ~~exceed \$5,000 per report.~~

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

184 ~~a. When a report is actually received by the lobbyist~~
185 ~~registration and reporting office.~~

186 ~~b. When the report is postmarked.~~

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

188 ~~d. When the receipt from an established courier company is~~
189 ~~dated.~~

190 ~~3. Such fine shall be paid within 30 days after the notice~~
191 ~~of payment due is transmitted by the Lobbyist Registration~~
192 ~~Office, unless appeal is made to the division. The moneys shall~~
193 ~~be deposited into the Legislative Lobbyist Registration Trust~~
194 ~~Fund.~~

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195 ~~4. A fine shall not be assessed against a lobbying firm~~
196 ~~the first time any reports for which the lobbying firm is~~
197 ~~responsible are not timely filed. However, to receive the one-~~
198 ~~time fine waiver, all reports for which the lobbying firm is~~
199 ~~responsible must be filed within 30 days after notice that any~~
200 ~~reports have not been timely filed is transmitted by the~~
201 ~~Lobbyist Registration Office. A fine shall be assessed for any~~
202 ~~subsequent late filed reports.~~

203 ~~5. Any lobbying firm may appeal or dispute a fine, based~~
204 ~~upon unusual circumstances surrounding the failure to file on~~
205 ~~the designated due date, and may request and shall be entitled~~
206 ~~to a hearing before the General Counsel of the Office of~~
207 ~~Legislative Services, who shall recommend to the President of~~
208 ~~the Senate and the Speaker of the House of Representatives, or~~
209 ~~their respective designees, that the fine be waived in whole or~~
210 ~~in part for good cause shown. The President of the Senate and~~
211 ~~the Speaker of the House of Representatives, or their respective~~
212 ~~designees, may concur in the recommendation and waive the fine~~
213 ~~in whole or in part. Any such request shall be made within 30~~
214 ~~days after the notice of payment due is transmitted by the~~
215 ~~Lobbyist Registration Office. In such case, the lobbying firm~~
216 ~~shall, within the 30 day period, notify the person designated to~~
217 ~~review the timeliness of reports in writing of his or her~~
218 ~~intention to request a hearing.~~

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

223 ~~concerning the waiver request to the President of the Senate and~~
 224 ~~the Speaker of the House of Representatives. The President of~~
 225 ~~the Senate and the Speaker of the House of Representatives may~~
 226 ~~grant or deny the request.~~

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

232 ~~8. The person designated to review the timeliness of~~
 233 ~~reports shall notify the director of the division of the failure~~
 234 ~~of a lobbying firm to file a report after notice or of the~~
 235 ~~failure of a lobbying firm to pay the fine imposed.~~

236 (3)~~(4)~~(a) Notwithstanding s. 112.3148, s. 112.3149, or any
 237 other provision of law to the contrary, no lobbyist or principal
 238 shall make, directly or indirectly, and no member or employee of
 239 the Legislature shall knowingly accept, directly or indirectly,
 240 any expenditure, except floral arrangements or other celebratory
 241 items given to legislators and displayed in chambers the opening
 242 day of a regular session.

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

245 (4)~~(5)~~ Each house of the Legislature shall provide by rule
 246 a procedure by which a person, when in doubt about the
 247 applicability and interpretation of this section in a particular
 248 context, may submit in writing the facts for an advisory opinion
 249 to the committee of either house and may appear in person before
 250 the committee. The rule shall provide a procedure by which:

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

254 (b) The committee shall make sufficient deletions to
 255 prevent disclosing the identity of persons in the decisions or
 256 opinions.

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

259 (5)~~(6)~~ Each house of the Legislature shall provide by rule
 260 for keeping all advisory opinions of the committees relating to
 261 lobbying firms, lobbyists, and lobbying activities. The rule
 262 shall also provide that each house keep a current list of
 263 registered lobbyists ~~along with reports required of lobbying~~
 264 ~~firms under this section, all of~~ which shall be open for public
 265 inspection.

266 (6)~~(7)~~ Each house of the Legislature shall provide by rule
 267 that a committee of either house investigate any person upon
 268 receipt of a sworn complaint alleging a violation of this
 269 section, s. 112.3148, or s. 112.3149 by such person; ~~also, the~~
 270 ~~rule shall provide that a committee of either house investigate~~
 271 ~~any lobbying firm upon receipt of audit information indicating a~~
 272 ~~possible violation other than a late filed report.~~ Such
 273 proceedings shall be conducted pursuant to the rules of the
 274 respective houses. If the committee finds that there has been a
 275 violation of this section, s. 112.3148, or s. 112.3149, it shall
 276 report its findings to the President of the Senate or the
 277 Speaker of the House of Representatives, as appropriate,
 278 together with a recommended penalty, to include a fine of not

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279 | more than \$5,000, reprimand, censure, probation, or prohibition
280 | from lobbying for a period of time not to exceed 24 months. Upon
281 | the receipt of such report, the President of the Senate or the
282 | Speaker of the House of Representatives shall cause the
283 | committee report and recommendations to be brought before the
284 | respective house and a final determination shall be made by a
285 | majority of said house.

286 | (7)~~(8)~~ Any person required to be registered or to provide
287 | information pursuant to this section or pursuant to rules
288 | established in conformity with this section who knowingly fails
289 | to disclose any material fact required by this section or by
290 | rules established in conformity with this section, ~~or who~~
291 | ~~knowingly provides false information on any report required by~~
292 | ~~this section or by rules established in conformity with this~~
293 | ~~section,~~ commits a noncriminal infraction, punishable by a fine
294 | not to exceed \$5,000. Such penalty shall be in addition to any
295 | other penalty assessed by a house of the Legislature pursuant to
296 | subsection (6) ~~(7)~~.

297 | (8)~~(9)~~ There is hereby created the Legislative Lobbyist
298 | Registration Trust Fund, to be used for the purpose of funding
299 | any office established for the administration of the
300 | registration of lobbyists lobbying the Legislature, including
301 | the payment of salaries and other expenses, and for the purpose
302 | of paying the expenses incurred by the Legislature in providing
303 | services to lobbyists. The trust fund is not subject to the
304 | service charge to general revenue provisions of chapter 215.
305 | Fees collected pursuant to rules established in accordance with

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306 subsection (2) shall be deposited into the Legislative Lobbyist
307 Registration Trust Fund.

308 Section 2. Effective April 1, 2007, section 11.0455,
309 Florida Statutes, as created by section 3 of chapter 2005-359,
310 Laws of Florida, is amended to read:

311 11.0455 Electronic filing ~~of compensation reports and~~
312 ~~other information.~~--

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

317 ~~(2) Each lobbying firm that is required to file reports~~
318 ~~with the Division of Legislative Information Services pursuant~~
319 ~~to s. 11.045 must file such reports with the division by means~~
320 ~~of the division's electronic filing system.~~

321 ~~(3) A report filed pursuant to this section must be~~
322 ~~completed and filed through the electronic filing system not~~
323 ~~later than 11:59 p.m. of the day designated in s. 11.045. A~~
324 ~~report not filed by 11:59 p.m. of the day designated is a late-~~
325 ~~filed report and is subject to the penalties under s. 11.045(3).~~

326 (2)(4) ~~Each report filed pursuant to this section is~~
327 ~~considered to meet the certification requirements of s.~~
328 ~~11.045(3)(a)4., and as such subjects the person responsible for~~
329 ~~filing and the lobbying firm to the provisions of s. 11.045(7)~~
330 ~~and (8).~~ Persons given a secure sign-on to the electronic filing
331 system are responsible for protecting it from disclosure and are
332 responsible for all filings using such credentials, unless they

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333 have notified the division that their credentials have been
334 compromised.

335 (3)~~(5)~~ The electronic filing system developed by the
336 division must:

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

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

340 (c) Provide for ~~direct entry of compensation report~~
341 ~~information as well as~~ upload of ~~such~~ information from software
342 authorized by the division.

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

345 (4)~~(6)~~ Each house of the Legislature shall provide by
346 rule, or may provide by a joint rule adopted by both houses,
347 procedures to implement and administer this section, ~~including,~~
348 ~~but not limited to:~~

349 ~~(a) Alternate filing procedures in case the division's~~
350 ~~electronic filing system is not operable.~~

351 ~~(b) The issuance of an electronic receipt to the person~~
352 ~~submitting the report indicating and verifying the date and time~~
353 ~~that the report was filed.~~

354 (5)~~(7)~~ Each house of the Legislature shall provide by rule
355 that the division make all the data filed available on the
356 Internet in an easily understood and accessible format. The
357 Internet website shall also include, but not be limited to, the
358 names and business addresses of lobbyists, lobbying firms, and
359 principals, the affiliations between lobbyists and principals,

360 and the classification system designated and identified by each
 361 principal pursuant to s. 11.045(2).

362 Section 3. Section 112.3215, Florida Statutes, as amended
 363 by section 5 of chapter 2005-359, Laws of Florida, is amended to
 364 read:

365 112.3215 Lobbying before the executive branch or the
 366 Constitution Revision Commission; registration ~~and reporting~~;
 367 investigation by commission.--

368 (1) For the purposes of this section:

369 (a) "Agency" means the Governor, Governor and Cabinet, or
 370 any department, division, bureau, board, commission, or
 371 authority of the executive branch. In addition, "agency" shall
 372 mean the Constitution Revision Commission as provided by s. 2,
 373 Art. XI of the State Constitution.

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

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

381 (d) "Expenditure" means a payment, distribution, loan,
 382 advance, reimbursement, deposit, or anything of value made by a
 383 lobbyist or principal for the purpose of lobbying. A
 384 contribution made to a political party regulated under chapter
 385 103 is not deemed an expenditure for purposes of this section.

386 (e) "Fund" means the Executive Branch Lobby Registration
 387 Trust Fund.

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388 (f) "Lobbies" means seeking, on behalf of another person,
389 to influence an agency with respect to a decision of the agency
390 in the area of policy or procurement or an attempt to obtain the
391 goodwill of an agency official or employee. "Lobbies" also means
392 influencing or attempting to influence, on behalf of another,
393 the Constitution Revision Commission's action or nonaction
394 through oral or written communication or an attempt to obtain
395 the goodwill of a member or employee of the Constitution
396 Revision Commission.

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

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

407 "Lobbyist" does not include a person who is:

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

412 2. An employee of an agency or of a legislative or
413 judicial branch entity acting in the normal course of his or her
414 duties.

415 3. A confidential informant who is providing, or wishes to
 416 provide, confidential information to be used for law enforcement
 417 purposes.

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

421 (i) "Principal" means the person, firm, corporation, or
 422 other entity which has employed or retained a lobbyist.

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

431 (3) A person may not lobby an agency until such person has
 432 registered as a lobbyist with the commission. Such registration
 433 shall be due upon initially being retained to lobby and is
 434 renewable on a calendar year basis thereafter. Upon registration
 435 the person shall provide a statement signed by the principal or
 436 principal's representative that the registrant is authorized to
 437 represent the principal. The principal shall also identify and
 438 designate its main business on the statement authorizing that
 439 lobbyist pursuant to a classification system approved by the
 440 commission. The registration shall require each lobbyist to
 441 disclose, under oath, the following information:

442 (a) Name and business address;

- 443 (b) The name and business address of each principal
 444 represented;
- 445 (c) His or her area of interest;
- 446 (d) The agencies before which he or she will appear; and
- 447 (e) The existence of any direct or indirect business
 448 association, partnership, or financial relationship with any
 449 employee of an agency with which he or she lobbies, or intends
 450 to lobby, as disclosed in the registration.

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

454 ~~(5)(a)1. Each lobbying firm shall file a compensation
 455 report with the commission for each calendar quarter during any
 456 portion of which one or more of the firm's lobbyists were
 457 registered to represent a principal. The report shall include
 458 the:~~

459 ~~a. Full name, business address, and telephone number of
 460 the lobbying firm;~~

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

462 ~~c. Total compensation provided or owed to the lobbying
 463 firm from all principals for the reporting period, reported in
 464 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
 465 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
 466 \$999,999; \$1 million or more.~~

467 ~~2. For each principal represented by one or more of the
 468 firm's lobbyists, the lobbying firm's compensation report shall
 469 also include the:~~

470 ~~a. Full name, business address, and telephone number of~~
471 ~~the principal; and~~

472 ~~b. Total compensation provided or owed to the lobbying~~
473 ~~firm for the reporting period, reported in one of the following~~
474 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~
475 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~
476 ~~more. If the category "\$50,000 or more" is selected, the~~
477 ~~specific dollar amount of compensation must be reported, rounded~~
478 ~~up or down to the nearest \$1,000.~~

479 ~~3. If the lobbying firm subcontracts work from another~~
480 ~~lobbying firm and not from the original principal:~~

481 ~~a. The lobbying firm providing the work to be~~
482 ~~subcontracted shall be treated as the reporting lobbying firm's~~
483 ~~principal for reporting purposes under this paragraph; and~~

484 ~~b. The reporting lobbying firm shall, for each lobbying~~
485 ~~firm identified under subparagraph 2., identify the name and~~
486 ~~address of the principal originating the lobbying work.~~

487 ~~4. The senior partner, officer, or owner of the lobbying~~
488 ~~firm shall certify to the veracity and completeness of the~~
489 ~~information submitted pursuant to this paragraph, and certify~~
490 ~~that no compensation has been omitted from this report by~~
491 ~~deeming such compensation as "consulting services," "media~~
492 ~~services," "professional services," or anything other than~~
493 ~~compensation, and certify that no officer or employee of the~~
494 ~~firm has made an expenditure in violation of this section.~~

495 ~~(b) For each principal represented by more than one~~
496 ~~lobbying firm, the commission shall aggregate the reporting-~~

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497 ~~period and calendar year compensation reported as provided or~~
498 ~~owed by the principal.~~

499 ~~(c) The reporting statements shall be filed no later than~~
500 ~~45 days after the end of each reporting period. The four~~
501 ~~reporting periods are from January 1 through March 31, April 1~~
502 ~~through June 30, July 1 through September 30, and October 1~~
503 ~~through December 31, respectively.~~

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

513 ~~(e) The commission shall provide by rule a procedure by~~
514 ~~which a lobbying firm that fails to timely file a report shall~~
515 ~~be notified and assessed fines. The rule shall provide for the~~
516 ~~following:~~

517 ~~1. Upon determining that the report is late, the person~~
518 ~~designated to review the timeliness of reports shall immediately~~
519 ~~notify the lobbying firm as to the failure to timely file the~~
520 ~~report and that a fine is being assessed for each late day. The~~
521 ~~fine shall be \$50 per day per report for each late day up to a~~
522 ~~maximum of \$5,000 per late report.~~

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

526 ~~a. When a report is actually received by the lobbyist~~
527 ~~registration and reporting office.~~

528 ~~b. When the report is postmarked.~~

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

530 ~~d. When the receipt from an established courier company is~~
531 ~~dated.~~

532 ~~3. Such fine shall be paid within 30 days after the notice~~
533 ~~of payment due is transmitted by the Lobbyist Registration~~
534 ~~Office, unless appeal is made to the commission. The moneys~~
535 ~~shall be deposited into the Executive Branch Lobby Registration~~
536 ~~Trust Fund.~~

537 ~~4. A fine shall not be assessed against a lobbying firm~~
538 ~~the first time any reports for which the lobbying firm is~~
539 ~~responsible are not timely filed. However, to receive the one-~~
540 ~~time fine waiver, all reports for which the lobbying firm is~~
541 ~~responsible must be filed within 30 days after the notice that~~
542 ~~any reports have not been timely filed is transmitted by the~~
543 ~~Lobbyist Registration Office. A fine shall be assessed for any~~
544 ~~subsequent late filed reports.~~

545 ~~5. Any lobbying firm may appeal or dispute a fine, based~~
546 ~~upon unusual circumstances surrounding the failure to file on~~
547 ~~the designated due date, and may request and shall be entitled~~
548 ~~to a hearing before the commission, which shall have the~~
549 ~~authority to waive the fine in whole or in part for good cause~~
550 ~~shown. Any such request shall be made within 30 days after the~~

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551 ~~notice of payment due is transmitted by the Lobbyist~~
552 ~~Registration Office. In such case, the lobbying firm shall,~~
553 ~~within the 30-day period, notify the person designated to review~~
554 ~~the timeliness of reports in writing of his or her intention to~~
555 ~~bring the matter before the commission.~~

556 ~~6. The person designated to review the timeliness of~~
557 ~~reports shall notify the commission of the failure of a lobbying~~
558 ~~firm to file a report after notice or of the failure of a~~
559 ~~lobbying firm to pay the fine imposed.~~

560 ~~7. Notwithstanding any provision of chapter 120, any fine~~
561 ~~imposed under this subsection that is not waived by final order~~
562 ~~of the commission and that remains unpaid more than 60 days~~
563 ~~after the notice of payment due or more than 60 days after the~~
564 ~~commission renders a final order on the lobbying firm's appeal~~
565 ~~shall be collected by the Department of Financial Services as a~~
566 ~~claim, debt, or other obligation owed to the state, and the~~
567 ~~department may assign the collection of such fine to a~~
568 ~~collection agent as provided in s. 17.20.~~

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

572 ~~(g) Each lobbying firm and each principal shall preserve~~
573 ~~for a period of 4 years all accounts, bills, receipts, computer~~
574 ~~records, books, papers, and other documents and records~~
575 ~~necessary to substantiate compensation. Any documents and~~
576 ~~records retained pursuant to this section may be subpoenaed for~~
577 ~~audit by the Legislative Auditing Committee pursuant to s.~~
578 ~~11.40, and such subpoena may be enforced in circuit court.~~

579 (5)~~(6)~~(a) Notwithstanding s. 112.3148, s. 112.3149, or any
 580 other provision of law to the contrary, no lobbyist or principal
 581 shall make, directly or indirectly, and no agency official,
 582 member, or employee shall knowingly accept, directly or
 583 indirectly, any expenditure.

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

586 (6)~~(7)~~ A lobbyist shall promptly send a written statement
 587 to the commission canceling the registration for a principal
 588 upon termination of the lobbyist's representation of that
 589 principal. Notwithstanding this requirement, the commission may
 590 remove the name of a lobbyist from the list of registered
 591 lobbyists if the principal notifies the office that a person is
 592 no longer authorized to represent that principal.

593 (7)~~(8)~~(a) The commission shall investigate every sworn
 594 complaint that is filed with it alleging that a person covered
 595 by this section has failed to register,~~has failed to submit a~~
 596 ~~compensation report,~~ or has knowingly submitted false
 597 information in any ~~report or~~ registration required in this
 598 section.

599 (b) All proceedings, the complaint, and other records
 600 relating to the investigation are confidential and exempt from
 601 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 602 Constitution, and any meetings held pursuant to an investigation
 603 are exempt from the provisions of s. 286.011(1) and s. 24(b),
 604 Art. I of the State Constitution either until the alleged
 605 violator requests in writing that such investigation and
 606 associated records and meetings be made public or until the

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607 commission determines, based on the investigation, whether
608 probable cause exists to believe that a violation has occurred.

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

613 ~~(d) Records relating to an audit conducted pursuant to~~
614 ~~this section or an investigation conducted pursuant to this~~
615 ~~section or s. 112.32155 are confidential and exempt from s.~~
616 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, and~~
617 ~~any meetings held pursuant to such an investigation or at which~~
618 ~~such an audit is discussed are exempt from s. 286.011 and s.~~
619 ~~24(b), Art. I of the State Constitution either until the~~
620 ~~lobbying firm requests in writing that such investigation and~~
621 ~~associated records and meetings be made public or until the~~
622 ~~commission determines there is probable cause that the audit~~
623 ~~reflects a violation of the reporting laws. This paragraph is~~
624 ~~subject to the Open Government Sunset Review Act in accordance~~
625 ~~with s. 119.15 and shall stand repealed on October 2, 2011,~~
626 ~~unless reviewed and saved from repeal through reenactment by the~~
627 ~~Legislature.~~

628 (8)~~(9)~~ If the commission finds no probable cause to
629 believe that a violation of this section occurred, it shall
630 dismiss the complaint, whereupon the complaint, together with a
631 written statement of the findings of the investigation and a
632 summary of the facts, shall become a matter of public record,
633 and the commission shall send a copy of the complaint, findings,
634 and summary to the complainant and the alleged violator. ~~If,~~

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635 ~~after investigating information from a random audit of lobbying~~
636 ~~reports, the commission finds no probable cause to believe that~~
637 ~~a violation of this section occurred, a written statement of the~~
638 ~~findings of the investigation and a summary of the facts shall~~
639 ~~become a matter of public record, and the commission shall send~~
640 ~~a copy of the findings and summary to the alleged violator. If~~
641 the commission finds probable cause to believe that a violation
642 occurred, it shall report the results of its investigation to
643 the Governor and Cabinet and send a copy of the report to the
644 alleged violator by certified mail. Such notification and all
645 documents made or received in the disposition of the complaint
646 shall then become public records. Upon request submitted to the
647 Governor and Cabinet in writing, any person whom the commission
648 finds probable cause to believe has violated any provision of
649 this section shall be entitled to a public hearing. Such person
650 shall be deemed to have waived the right to a public hearing if
651 the request is not received within 14 days following the mailing
652 of the probable cause notification. However, the Governor and
653 Cabinet may on its own motion require a public hearing and may
654 conduct such further investigation as it deems necessary.

655 (9) ~~(10)~~ If the Governor and Cabinet finds that a violation
656 occurred, it may reprimand the violator, censure the violator,
657 or prohibit the violator from lobbying all agencies for a period
658 not to exceed 2 years. If the violator is a lobbying firm, the
659 Governor and Cabinet may also assess a fine of not more than
660 \$5,000 to be deposited in the Executive Branch Lobby
661 Registration Trust Fund.

662 (10)~~(11)~~ Any person, when in doubt about the applicability
 663 and interpretation of this section to himself or herself in a
 664 particular context, may submit in writing the facts of the
 665 situation to the commission with a request for an advisory
 666 opinion to establish the standard of duty. An advisory opinion
 667 shall be rendered by the commission and, until amended or
 668 revoked, shall be binding on the conduct of the person who
 669 sought the opinion, unless material facts were omitted or
 670 misstated in the request.

671 (11)~~(12)~~ Agencies shall be diligent to ascertain whether
 672 persons required to register pursuant to this section have
 673 complied. An agency may not knowingly permit a person who is not
 674 registered pursuant to this section to lobby the agency.

675 (12)~~(13)~~ Upon discovery of violations of this section an
 676 agency or any person may file a sworn complaint with the
 677 commission.

678 (13)~~(14)~~ The commission shall adopt rules to administer
 679 this section, which shall prescribe forms for registration ~~and~~
 680 ~~compensation reports~~, procedures for registration, and
 681 procedures that will prevent disclosure of information that is
 682 confidential as provided in this section.

683 Section 4. Effective April 1, 2007, section 112.32155,
 684 Florida Statutes, as created by section 7 of chapter 2005-359,
 685 Laws of Florida, is amended to read:

686 112.32155 Electronic filing ~~of compensation reports and~~
 687 ~~other information.~~--

688 (1) As used in this section, the term "electronic filing
 689 system" means an Internet system for recording ~~and reporting~~

690 ~~lobbying compensation and other~~ required information by
691 ~~reporting period.~~

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

696 ~~(3) A report filed pursuant to this section must be~~
697 ~~completed and filed through the electronic filing system not~~
698 ~~later than 11:59 p.m. of the day designated in s. 112.3215. A~~
699 ~~report not filed by 11:59 p.m. of the day designated is a late-~~
700 ~~filed report and is subject to the penalties under s.~~
701 ~~112.3215(5).~~

702 ~~(2)(4)~~ (2) Each report filed pursuant to this section is
703 considered to meet the certification requirements of s.
704 112.3215(5)(a)4. Persons given a secure sign-on to the
705 electronic filing system are responsible for protecting it from
706 disclosure and are responsible for all filings using such
707 credentials, unless they have notified the commission that their
708 credentials have been compromised.

709 ~~(3)(5)~~ (3) The electronic filing system must:

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

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

713 (c) Provide for ~~direct entry of compensation report~~
714 ~~information as well as~~ upload of ~~such~~ information from software
715 authorized by the commission.

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

718 ~~(4)(6)~~ The commission shall provide by rule procedures to
 719 implement and administer this section, ~~including, but not~~
 720 ~~limited to:~~

721 ~~(a) Alternate filing procedures in case the electronic~~
 722 ~~filing system is not operable.~~

723 ~~(b) The issuance of an electronic receipt to the person~~
 724 ~~submitting the report indicating and verifying the date and time~~
 725 ~~that the report was filed.~~

726 ~~(5)(7)~~ The commission shall make all the data filed
 727 available on the Internet in an easily understood and accessible
 728 format. The Internet website shall also include, but not be
 729 limited to, the names and business addresses of lobbyists,
 730 lobbying firms, and principals, the affiliations between
 731 lobbyists and principals, and the classification system
 732 designated and identified by each principal pursuant to s.
 733 112.3215(3).

734 Section 5. Subsection (17) of section 112.313, Florida
 735 Statutes, is amended to read:

736 112.313 Standards of conduct for public officers,
 737 employees of agencies, and local government attorneys.--

738 (17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.--No
 739 citizen member of the Board of Governors of the State University
 740 System, nor any citizen member of a board of trustees of a local
 741 constituent university, shall have or hold any employment or
 742 contractual relationship as a legislative lobbyist requiring
 743 annual registration ~~and reporting~~ pursuant to s. 11.045.

744 Section 6. Sections 2, 4, and 6 of chapter 2005-359, Laws
 745 of Florida, are repealed.

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746 Section 7. Except as otherwise expressly provided in this
747 act, this act shall take effect July 1, 2006.