

Bill No. CS for SB 2000

Barcode 113284

1 individual who is required by law to file full or limited
2 public disclosure of his or her financial interests.

3 (c) "Compensation" means a payment, distribution,
4 loan, advance, reimbursement, deposit, salary, fee, retainer,
5 or anything of value provided or owed to a lobbying firm,
6 directly or indirectly, by a principal for any lobbying
7 activity.

8 (d) "County officer" means a sheriff, a tax collector,
9 a property appraiser, a supervisor of elections, or a clerk of
10 the circuit court.

11 (e)(d) "Expenditure" means a payment, distribution,
12 loan, advance, reimbursement, deposit, or anything of value
13 made by a lobbyist or principal for the purpose of lobbying. A
14 contribution made to a political party regulated under chapter
15 103 is not deemed an expenditure for purposes of this section.

16 (f)(e) "Fund" means the Executive Branch Lobby
17 Registration Trust Fund.

18 (g)(f) "Lobbies" means seeking, on behalf of another
19 person, to influence an agency with respect to a decision of
20 the agency in the area of policy or procurement or an attempt
21 to obtain the goodwill of an agency official or employee.

22 "Lobbies" also means influencing or attempting to influence,
23 on behalf of another, the Constitution Revision Commission's
24 action or nonaction through oral or written communication or
25 an attempt to obtain the goodwill of a member or employee of
26 the Constitution Revision Commission.

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

Bill No. CS for SB 2000

Barcode 113284

1 ~~(i)(h)~~ "Lobbyist" means a person who is employed and
 2 receives payment, or who contracts for economic consideration,
 3 for the purpose of lobbying, or a person who is principally
 4 employed for governmental affairs by another person or
 5 governmental entity to lobby on behalf of that other person or
 6 governmental entity. "Lobbyist" does not include a person who
 7 is:

8 1. An attorney, or any person, who represents a client
 9 in a judicial proceeding or in a formal administrative
 10 proceeding conducted pursuant to chapter 120 or any other
 11 formal hearing before an agency, board, commission, or
 12 authority of this state.

13 2. An employee of an agency or of a legislative or
 14 judicial branch entity acting in the normal course of his or
 15 her duties.

16 3. A confidential informant who is providing, or
 17 wishes to provide, confidential information to be used for law
 18 enforcement purposes.

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

22 ~~(j)(i)~~ "Principal" means the person, firm,
 23 corporation, or other entity which has employed or retained a
 24 lobbyist.

25 (2) The Executive Branch Lobby Registration Trust Fund
 26 is hereby created within the commission to be used for the
 27 purpose of funding any office established to administer the
 28 registration of lobbyists lobbying an agency, including the
 29 payment of salaries and other expenses. The trust fund is not
 30 subject to the service charge to General Revenue provisions of
 31 chapter 215. All annual registration fees collected pursuant

Bill No. CS for SB 2000

Barcode 113284

1 to this section shall be deposited into such fund.

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

- 14 (a) Name and business address;
- 15 (b) The name and business address of each principal
16 represented;
- 17 (c) His or her area of interest;
- 18 (d) The agencies before which he or she will appear;
- 19 and
- 20 (e) The existence of any direct or indirect business
21 association, partnership, or financial relationship with any
22 employee of an agency with which he or she lobbies, or intends
23 to lobby, as disclosed in the registration.

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

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

Bill No. CS for SB 2000

Barcode 113284

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

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

4 c. Total compensation provided or owed to the lobbying
5 firm from all principals for the reporting period, reported in
6 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to
7 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000
8 to \$999,999; \$1 million or more.

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

12 a. Full name, business address, and telephone number
13 of the principal; and

14 b. Total compensation provided or owed to the lobbying
15 firm for the reporting period, reported in one of the
16 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;
17 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or
18 \$50,000 or more. If the category "\$50,000 or more" is
19 selected, the specific dollar amount of compensation must be
20 reported, rounded up or down to the nearest \$1,000.

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

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

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

31 4. The senior partner, officer, or owner of the

Bill No. CS for SB 2000

Barcode 113284

1 lobbying firm shall certify to the veracity and completeness
2 of the information submitted pursuant to this paragraph, and
3 certify that no compensation has been omitted from this report
4 by deeming such compensation as "consulting services," "media
5 services," "professional services," or anything other than
6 compensation, and certify that no officer or employee of the
7 firm has made an expenditure in violation of this section.

8 (b) For each principal represented by more than one
9 lobbying firm, the commission shall aggregate the
10 reporting-period and calendar-year compensation reported as
11 provided or owed by the principal.

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

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

26 (e) The commission shall provide by rule the grounds
27 for waiving a fine, the procedures ~~a procedure~~ by which a
28 lobbying firm that fails to timely file a report shall be
29 notified and assessed fines, and the procedure for appealing
30 the fines. The rule shall provide for the following:

31 1. Upon determining that the report is late, the

Bill No. CS for SB 2000

Barcode 113284

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

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

9 a. When a report is actually received by the lobbyist
10 registration and reporting office.

11 b. When the report is postmarked.

12 c. When the certificate of mailing is dated.

13 d. When the receipt from an established courier
14 company is dated.

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

20 4. A fine shall not be assessed against a lobbying
21 firm the first time any reports for which the lobbying firm is
22 responsible are not timely filed. However, to receive the
23 one-time fine waiver, all reports for which the lobbying firm
24 is responsible must be filed within 30 days after the notice
25 that any reports have not been timely filed is transmitted by
26 the Lobbyist Registration Office. A fine shall be assessed for
27 any subsequent late-filed reports.

28 5. Any lobbying firm may appeal or dispute a fine,
29 based upon unusual circumstances surrounding the failure to
30 file on the designated due date, and may request and shall be
31 entitled to a hearing before the commission, which shall have

Bill No. CS for SB 2000

Barcode 113284

1 the authority to waive the fine in whole or in part for good
 2 cause shown. Any such request shall be made within 30 days
 3 after the notice of payment due is transmitted by the Lobbyist
 4 Registration Office. In such case, the lobbying firm shall,
 5 within the 30-day period, notify the person designated to
 6 review the timeliness of reports in writing of his or her
 7 intention to bring the matter before the commission.

8 6. The person designated to review the timeliness of
 9 reports shall notify the commission of the failure of a
 10 lobbying firm to file a report after notice or of the failure
 11 of a lobbying firm to pay the fine imposed. All lobbyist
 12 registrations for lobbyists who are partners, owners,
 13 officers, or employees of a lobbying firm that fails to timely
 14 pay a fine are automatically suspended until the fine is paid
 15 or waived, and the commission shall promptly notify all
 16 affected principals of each suspension and each reinstatement.

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

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

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

Bill No. CS for SB 2000

Barcode 113284

1 and records necessary to substantiate compensation. Any
 2 documents and records retained pursuant to this section may be
 3 subpoenaed for audit by the Legislative Auditing Committee
 4 pursuant to s. 11.40, and such subpoena may be enforced in
 5 circuit court.

6 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or
 7 any other provision of law to the contrary, no lobbyist or
 8 principal shall make, directly or indirectly, and no agency
 9 official, member, or employee shall knowingly accept, directly
 10 or indirectly, any expenditure.

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

14 (7) A lobbyist shall promptly send a written statement
 15 to the commission canceling the registration for a principal
 16 upon termination of the lobbyist's representation of that
 17 principal. Notwithstanding this requirement, the commission
 18 may remove the name of a lobbyist from the list of registered
 19 lobbyists if the principal notifies the office that a person
 20 is no longer authorized to represent that principal.

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

27 (b) All proceedings, the complaint, and other records
 28 relating to the investigation are confidential and exempt from
 29 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 30 State Constitution, and any meetings held pursuant to an
 31 investigation are exempt from the provisions of s. 286.011(1)

Bill No. CS for SB 2000

Barcode 113284

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

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

12 (d) Records relating to an audit conducted pursuant to
 13 this section or an investigation conducted pursuant to this
 14 section or s. 112.32155 are confidential and exempt from s.
 15 119.07(1) and s. 24(a), Art. I of the State Constitution, and
 16 any meetings held pursuant to such an investigation or at
 17 which such an audit is discussed are exempt from s. 286.011
 18 and s. 24(b), Art. I of the State Constitution either until
 19 the lobbying firm requests in writing that such investigation
 20 and associated records and meetings be made public or until
 21 the commission determines there is probable cause that the
 22 audit reflects a violation of the reporting laws. This
 23 paragraph is subject to the Open Government Sunset Review Act
 24 in accordance with s. 119.15 and shall stand repealed on
 25 October 2, 2011, unless reviewed and saved from repeal through
 26 reenactment by the Legislature.

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

Bill No. CS for SB 2000

Barcode 113284

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

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

Bill No. CS for SB 2000

Barcode 113284

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

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

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

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

22 Section 12. Effective April 1, 2007, paragraph (d) of
23 subsection (5) of section 112.3215, Florida Statutes, as
24 amended by this act, section 6 of chapter 2005-359, Laws of
25 Florida, and section 1 of chapter 2005-361, Laws of Florida,
26 is amended to read:

27 112.3215 Lobbying before the executive branch, county
28 officers, or the

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Bill No. CS for SB 2000

Barcode 113284

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 28, delete that line

4

5 and insert:

6 current terms; amending s. 112.3215, F.S.;

7 applying requirements concerning lobbying to

8 county officers; defining the term "county

9 officer";

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