

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Reagan offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 27, line(s) 15, through page 38, line 30,  
5 remove: all of said lines

6  
7 and insert:

8 Section 13. Paragraph (e) of subsection (5) of section  
9 112.3215, Florida Statutes, as amended by section 5 of chapter  
10 2005-359, Laws of Florida, and section 1 of chapter 2005-361,  
11 Laws of Florida, is amended to read:

12 112.3215 Lobbying before the executive branch or the  
13 Constitution Revision Commission; registration and reporting;  
14 investigation by commission.--

15 (5)

16 (e) The commission shall provide by rule the grounds for  
17 waiving a fine, the procedures ~~a procedure~~ by which a lobbying  
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18 firm that fails to timely file a report shall be notified and  
19 assessed fines, and the procedure for appealing the fines. The  
20 rule shall provide for the following:

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

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

30 a. When a report is actually received by the lobbyist  
31 registration and reporting office.

32 b. When the report is postmarked.

33 c. When the certificate of mailing is dated.

34 d. When the receipt from an established courier company is  
35 dated.

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

41 4. A fine shall not be assessed against a lobbying firm  
42 the first time any reports for which the lobbying firm is  
43 responsible are not timely filed. However, to receive the one-  
44 time fine waiver, all reports for which the lobbying firm is  
45 responsible must be filed within 30 days after the notice that  
46 any reports have not been timely filed is transmitted by the  
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47 Lobbyist Registration Office. A fine shall be assessed for any  
48 subsequent late-filed reports.

49         5. Any lobbying firm may appeal or dispute a fine, based  
50 upon unusual circumstances surrounding the failure to file on  
51 the designated due date, and may request and shall be entitled  
52 to a hearing before the commission, which shall have the  
53 authority to waive the fine in whole or in part for good cause  
54 shown. Any such request shall be made within 30 days after the  
55 notice of payment due is transmitted by the Lobbyist  
56 Registration Office. In such case, the lobbying firm shall,  
57 within the 30-day period, notify the person designated to review  
58 the timeliness of reports in writing of his or her intention to  
59 bring the matter before the commission.

60         6. The person designated to review the timeliness of  
61 reports shall notify the commission of the failure of a lobbying  
62 firm to file a report after notice or of the failure of a  
63 lobbying firm to pay the fine imposed. All lobbyist  
64 registrations for lobbyists who are partners, owners, officers,  
65 or employees of a lobbying firm that fails to timely pay a fine  
66 are automatically suspended until the fine is paid or waived,  
67 and the commission shall promptly notify all affected principals  
68 of each suspension and each reinstatement.

69         7. Notwithstanding any provision of chapter 120, any fine  
70 imposed under this subsection that is not waived by final order  
71 of the commission and that remains unpaid more than 60 days  
72 after the notice of payment due or more than 60 days after the  
73 commission renders a final order on the lobbying firm's appeal  
74 shall be collected by the Department of Financial Services as a  
75 claim, debt, or other obligation owed to the state, and the

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76 department may assign the collection of such fine to a  
77 collection agent as provided in s. 17.20.

78 Section 14. Effective April 1, 2007, paragraph (d) of  
79 subsection (5) of section 112.3215, Florida Statutes, as amended  
80 by section 6 of chapter 2005-359, Laws of Florida, and section 1  
81 of chapter 2005-361, Laws of Florida, is amended to read:

82 112.3215 Lobbying before the executive branch or the  
83 Constitution Revision Commission;

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85

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

87 On page 3, line(s) 2-4,

88 remove: all of said lines

89

90 and insert:

91 Revision Commission; requiring