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1 A bill to be entitled
2 An act relating to lobbying; amending s. 11.40, F.S.;
3 deleting provisions requiring the Legislative Auditing
4 Committee to conduct random audits of the compensation
5 reports filed by legislative branch and executive branch
6 lobbying firms; amending ss. 11.045 and 112.3215, F.S.;
7 revising provisions relating to reporting requirements for
8 legislative lobbyists and lobbyists of the executive
9 branch and Constitution Revision Commission; removing a
10 requirement that each lobbying firm and principal maintain
11 certain records and documents for a specified period;
12 removing a provision specifying judicial jurisdiction for
13 enforcing the right to subpoena certain documents and
14 records for audit; removing requirements for each lobbying
15 firm to file quarterly compensation reports; removing a
16 requirement that the Legislature adopt rules authorizing
17 legislative committees to investigate any lobbying firm
18 upon receipt of certain information; removing a provision
19 authorizing the Commission on Ethics to adopt rules and
20 forms relating to compensation reporting; amending ss.
21 11.0455 and 112.32155, F.S.; revising the definition of
22 the term "electronic filing system"; removing provisions
23 relating to electronic compensation report filing
24 requirements; amending s. 112.313, F.S.; correcting a
25 reference; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsection (6) of section 11.40, Florida
30 Statutes, as created by section 4 of chapter 2005-359, Laws of
31 Florida, is amended to read:

32 11.40 Legislative Auditing Committee.--

33 ~~(6)(a) As used in this subsection, "independent contract~~
34 ~~auditor" means a state licensed certified public accountant or~~
35 ~~firm with which a state licensed certified public accountant is~~
36 ~~currently employed or associated who is actively engaged in the~~
37 ~~accounting profession.~~

38 ~~(b) Audits specified in this subsection cover the~~
39 ~~quarterly compensation reports for the previous calendar year~~
40 ~~for a random sample of 3 percent of all legislative branch~~
41 ~~lobbying firms and a random sample of 3 percent of all executive~~
42 ~~branch lobbying firms calculated using as the total number of~~
43 ~~such lobbying firms those filing a compensation report for the~~
44 ~~preceding calendar year. The committee shall provide for a~~
45 ~~system of random selection of the lobbying firms to be audited.~~

46 ~~(c) The committee shall create and maintain a list of not~~
47 ~~less than 10 independent contract auditors approved to conduct~~
48 ~~the required audits. Each lobbying firm selected for audit in~~
49 ~~the random audit process may designate one of the independent~~
50 ~~contract auditors from the committee's approved list. Upon~~
51 ~~failure for any reason of a lobbying firm selected in the random~~
52 ~~selection process to designate an independent contract auditor~~
53 ~~from the committee's list within 30 calendar days after being~~
54 ~~notified by the committee of its selection, the committee shall~~
55 ~~assign one of the available independent contract auditors from~~
56 ~~the approved list to perform the required audit. No independent~~

57 ~~contract auditor, whether designated by the lobbying firm or by~~
58 ~~the committee, may perform the audit of a lobbying firm where~~
59 ~~the auditor and lobbying firm have ever had a direct personal~~
60 ~~relationship or any professional accounting, auditing, tax~~
61 ~~advisory, or tax preparing relationship with each other. The~~
62 ~~committee shall obtain a written, sworn certification subject to~~
63 ~~s. 837.06, both from the randomly selected lobbying firm and~~
64 ~~from the proposed independent contract auditor, that no such~~
65 ~~relationship has ever existed.~~

66 ~~(d) Each independent contract auditor shall be engaged by~~
67 ~~and compensated solely by the state for the work performed in~~
68 ~~accomplishing an audit under this subsection.~~

69 ~~(e) Any violations of law, deficiencies, or material~~
70 ~~misstatements discovered and noted in an audit report shall be~~
71 ~~clearly identified in the audit report and be determined under~~
72 ~~the rules of either house of the Legislature or under the joint~~
73 ~~rules, as applicable.~~

74 ~~(f) If any lobbying firm fails to give full, frank, and~~
75 ~~prompt cooperation and access to books, records, and associated~~
76 ~~backup documents as requested in writing by the auditor, that~~
77 ~~failure shall be clearly noted by the independent contract~~
78 ~~auditor in the report of audit.~~

79 ~~(g) The committee shall establish procedures for the~~
80 ~~selection of independent contract auditors desiring to enter~~
81 ~~into audit contracts pursuant to this subsection. Such~~
82 ~~procedures shall include, but not be limited to, a rating system~~
83 ~~that takes into account pertinent information, including the~~
84 ~~independent contract auditor's fee proposals for participating~~

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85 ~~in the process. All contracts under this subsection between an~~
86 ~~independent contract auditor and the Speaker of the House of~~
87 ~~Representatives and the President of the Senate shall be~~
88 ~~terminable by either party at any time upon written notice to~~
89 ~~the other, and such contracts may contain such other terms and~~
90 ~~conditions as the Speaker of the House of Representatives and~~
91 ~~the President of the Senate deem appropriate under the~~
92 ~~circumstances.~~

93 ~~(h) The committee shall adopt guidelines that govern~~
94 ~~random audits and field investigations conducted pursuant to~~
95 ~~this subsection. The guidelines shall ensure that similarly~~
96 ~~situated compensation reports are audited in a uniform manner.~~
97 ~~The guidelines shall also be formulated to encourage compliance~~
98 ~~and detect violations of the legislative and executive lobbying~~
99 ~~compensation reporting requirements in ss. 11.045 and 112.3215~~
100 ~~and to ensure that each audit is conducted with maximum~~
101 ~~efficiency in a cost effective manner. In adopting the~~
102 ~~guidelines, the committee shall consider relevant guidelines and~~
103 ~~standards of the American Institute of Certified Public~~
104 ~~Accountants to the extent that such guidelines and standards are~~
105 ~~applicable and consistent with the purposes set forth in this~~
106 ~~subsection.~~

107 ~~(i) All audit reports of legislative lobbying firms shall,~~
108 ~~upon completion by an independent contract auditor, be delivered~~
109 ~~to the President of the Senate and the Speaker of the House of~~
110 ~~Representatives for their respective review and handling. All~~
111 ~~audit reports of executive branch lobbyists, upon completion by~~

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112 ~~an independent contract auditor, shall be delivered by the~~
113 ~~auditor to the Commission on Ethics.~~

114 Section 2. Section 11.045, Florida Statutes, as amended by
115 section 2 of chapter 2005-359, Laws of Florida, is amended to
116 read:

117 11.045 Lobbying before the Legislature; registration ~~and~~
118 ~~reporting~~; exemptions; penalties.--

119 (1) As used in this section, unless the context otherwise
120 requires:

121 (a) "Committee" means the committee of each house charged
122 by the presiding officer with responsibility for ethical conduct
123 of lobbyists.

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

128 (c) "Division" means the Division of Legislative
129 Information Services within the Office of Legislative Services.

130 (d) "Expenditure" means a payment, distribution, loan,
131 advance, reimbursement, deposit, or anything of value made by a
132 lobbyist or principal for the purpose of lobbying. The term
133 "expenditure" does not include contributions or expenditures
134 reported pursuant to chapter 106 or federal election law,
135 campaign-related personal services provided without compensation
136 by individuals volunteering their time, any other contribution
137 or expenditure made by or to a political party, or any other
138 contribution or expenditure made by an organization that is
139 exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

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140 (e) "Legislative action" means introduction, sponsorship,
141 testimony, debate, voting, or any other official action on any
142 measure, resolution, amendment, nomination, appointment, or
143 report of, or any matter which may be the subject of action by,
144 either house of the Legislature or any committee thereof.

145 (f) "Lobbying" means influencing or attempting to
146 influence legislative action or nonaction through oral or
147 written communication or an attempt to obtain the goodwill of a
148 member or employee of the Legislature.

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

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

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

161 (2) Each house of the Legislature shall provide by rule,
162 or may provide by a joint rule adopted by both houses, for the
163 registration of lobbyists who lobby the Legislature. The rule
164 may provide for the payment of a registration fee. The rule may
165 provide for exemptions from registration or registration fees.
166 The rule shall provide that:

167 (a) Registration is required for each principal
 168 represented.

169 (b) Registration shall include a statement signed by the
 170 principal or principal's representative that the registrant is
 171 authorized to represent the principal. The principal shall also
 172 identify and designate its main business on the statement
 173 authorizing that lobbyist pursuant to a classification system
 174 approved by the Office of Legislative Services.

175 (c) A registrant shall promptly send a written statement
 176 to the division canceling the registration for a principal upon
 177 termination of the lobbyist's representation of that principal.
 178 Notwithstanding this requirement, the division may remove the
 179 name of a registrant from the list of registered lobbyists if
 180 the principal notifies the office that a person is no longer
 181 authorized to represent that principal.

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

185 ~~(e) Each lobbying firm and each principal shall preserve~~
 186 ~~for a period of 4 years all accounts, bills, receipts, computer~~
 187 ~~records, books, papers, and other documents and records~~
 188 ~~necessary to substantiate compensation. Any documents and~~
 189 ~~records retained pursuant to this section may be subpoenaed for~~
 190 ~~audit by legislative subpoena of either house of the~~
 191 ~~Legislature, and the subpoena may be enforced in circuit court.~~

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

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

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

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

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

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

204 ~~c. Total compensation provided or owed to the lobbying~~
 205 ~~firm from all principals for the reporting period, reported in~~
 206 ~~one of the following categories: \$0; \$1 to \$49,999; \$50,000 to~~
 207 ~~\$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to~~
 208 ~~\$999,999; \$1 million or more.~~

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

212 ~~a. Full name, business address, and telephone number of~~
 213 ~~the principal; and~~

214 ~~b. Total compensation provided or owed to the lobbying~~
 215 ~~firm for the reporting period, reported in one of the following~~
 216 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~
 217 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~
 218 ~~more. If the category "\$50,000 or more" is selected, the~~
 219 ~~specific dollar amount of compensation must be reported, rounded~~
 220 ~~up or down to the nearest \$1,000.~~

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

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

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

229 ~~4. The senior partner, officer, or owner of the lobbying~~
230 ~~firm shall certify to the veracity and completeness of the~~
231 ~~information submitted pursuant to this paragraph.~~

232 ~~(b) For each principal represented by more than one~~
233 ~~lobbying firm, the division shall aggregate the reporting period~~
234 ~~and calendar year compensation reported as provided or owed by~~
235 ~~the principal.~~

236 ~~(c) The reporting statements shall be filed no later than~~
237 ~~45 days after the end of each reporting period. The four~~
238 ~~reporting periods are from January 1 through March 31, April 1~~
239 ~~through June 30, July 1 through September 30, and October 1~~
240 ~~through December 31, respectively. The statements shall be~~
241 ~~rendered in the identical form provided by the respective houses~~
242 ~~and shall be open to public inspection. Reporting statements~~
243 ~~must be filed by electronic means as provided in s. 11.0455.~~

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

249 ~~1. Upon determining that the report is late, the person~~
250 ~~designated to review the timeliness of reports shall immediately~~

251 ~~notify the lobbying firm as to the failure to timely file the~~
 252 ~~report and that a fine is being assessed for each late day. The~~
 253 ~~fine shall be \$50 per day per report for each late day, not to~~
 254 ~~exceed \$5,000 per report.~~

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

258 ~~a. When a report is actually received by the lobbyist~~
 259 ~~registration and reporting office.~~

260 ~~b. When the electronic receipt issued pursuant to s.~~
 261 ~~11.0455 is dated.~~

262 ~~3. Such fine shall be paid within 30 days after the notice~~
 263 ~~of payment due is transmitted by the Lobbyist Registration~~
 264 ~~Office, unless appeal is made to the division. The moneys shall~~
 265 ~~be deposited into the Legislative Lobbyist Registration Trust~~
 266 ~~Fund.~~

267 ~~4. A fine shall not be assessed against a lobbying firm~~
 268 ~~the first time any reports for which the lobbying firm is~~
 269 ~~responsible are not timely filed. However, to receive the one-~~
 270 ~~time fine waiver, all reports for which the lobbying firm is~~
 271 ~~responsible must be filed within 30 days after notice that any~~
 272 ~~reports have not been timely filed is transmitted by the~~
 273 ~~Lobbyist Registration Office. A fine shall be assessed for any~~
 274 ~~subsequent late-filed reports.~~

275 ~~5. Any lobbying firm may appeal or dispute a fine, based~~
 276 ~~upon unusual circumstances surrounding the failure to file on~~
 277 ~~the designated due date, and may request and shall be entitled~~
 278 ~~to a hearing before the General Counsel of the Office of~~

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279 ~~Legislative Services, who shall recommend to the President of~~
280 ~~the Senate and the Speaker of the House of Representatives, or~~
281 ~~their respective designees, that the fine be waived in whole or~~
282 ~~in part for good cause shown. The President of the Senate and~~
283 ~~the Speaker of the House of Representatives, or their respective~~
284 ~~designees, may concur in the recommendation and waive the fine~~
285 ~~in whole or in part. Any such request shall be made within 30~~
286 ~~days after the notice of payment due is transmitted by the~~
287 ~~Lobbyist Registration Office. In such case, the lobbying firm~~
288 ~~shall, within the 30-day period, notify the person designated to~~
289 ~~review the timeliness of reports in writing of his or her~~
290 ~~intention to request a hearing.~~

291 ~~6. A lobbying firm may request that the filing of a report~~
292 ~~be waived upon good cause shown, based on unusual circumstances.~~
293 ~~The request must be filed with the General Counsel of the Office~~
294 ~~of Legislative Services, who shall make a recommendation~~
295 ~~concerning the waiver request to the President of the Senate and~~
296 ~~the Speaker of the House of Representatives. The President of~~
297 ~~the Senate and the Speaker of the House of Representatives may~~
298 ~~grant or deny the request.~~

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

304 ~~8. The person designated to review the timeliness of~~
305 ~~reports shall notify the director of the division of the failure~~

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306 ~~of a lobbying firm to file a report after notice or of the~~
307 ~~failure of a lobbying firm to pay the fine imposed.~~

308 (3)~~(4)~~(a) Notwithstanding s. 112.3148, s. 112.3149, or any
309 other provision of law to the contrary, no lobbyist or principal
310 shall make, directly or indirectly, and no member or employee of
311 the Legislature shall knowingly accept, directly or indirectly,
312 any expenditure, except floral arrangements or other celebratory
313 items given to legislators and displayed in chambers the opening
314 day of a regular session.

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

317 (4)~~(5)~~ Each house of the Legislature shall provide by rule
318 a procedure by which a person, when in doubt about the
319 applicability and interpretation of this section in a particular
320 context, may submit in writing the facts for an advisory opinion
321 to the committee of either house and may appear in person before
322 the committee. The rule shall provide a procedure by which:

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

326 (b) The committee shall make sufficient deletions to
327 prevent disclosing the identity of persons in the decisions or
328 opinions.

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

331 (5)~~(6)~~ Each house of the Legislature shall provide by rule
332 for keeping all advisory opinions of the committees relating to
333 lobbying firms, lobbyists, and lobbying activities. The rule

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334 shall also provide that each house keep a current list of
335 registered lobbyists ~~along with reports required of lobbying~~
336 ~~firms under this section~~, all of which shall be open for public
337 inspection.

338 (6)~~(7)~~ Each house of the Legislature shall provide by rule
339 that a committee of either house investigate any person upon
340 receipt of a sworn complaint alleging a violation of this
341 section, s. 112.3148, or s. 112.3149 by such person; ~~also, the~~
342 ~~rule shall provide that a committee of either house investigate~~
343 ~~any lobbying firm upon receipt of audit information indicating a~~
344 ~~possible violation other than a late-filed report~~. Such
345 proceedings shall be conducted pursuant to the rules of the
346 respective houses. If the committee finds that there has been a
347 violation of this section, s. 112.3148, or s. 112.3149, it shall
348 report its findings to the President of the Senate or the
349 Speaker of the House of Representatives, as appropriate,
350 together with a recommended penalty, to include a fine of not
351 more than \$5,000, reprimand, censure, probation, or prohibition
352 from lobbying for a period of time not to exceed 24 months. Upon
353 the receipt of such report, the President of the Senate or the
354 Speaker of the House of Representatives shall cause the
355 committee report and recommendations to be brought before the
356 respective house and a final determination shall be made by a
357 majority of said house.

358 (7)~~(8)~~ Any person required to be registered or to provide
359 information pursuant to this section or pursuant to rules
360 established in conformity with this section who knowingly fails
361 to disclose any material fact required by this section or by

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362 rules established in conformity with this section, ~~or who~~
363 ~~knowingly provides false information on any report required by~~
364 ~~this section or by rules established in conformity with this~~
365 ~~section~~, commits a noncriminal infraction, punishable by a fine
366 not to exceed \$5,000. Such penalty shall be in addition to any
367 other penalty assessed by a house of the Legislature pursuant to
368 subsection (6) ~~(7)~~.

369 (8) ~~(9)~~ There is hereby created the Legislative Lobbyist
370 Registration Trust Fund, to be used for the purpose of funding
371 any office established for the administration of the
372 registration of lobbyists lobbying the Legislature, including
373 the payment of salaries and other expenses, and for the purpose
374 of paying the expenses incurred by the Legislature in providing
375 services to lobbyists. The trust fund is not subject to the
376 service charge to general revenue provisions of chapter 215.
377 Fees collected pursuant to rules established in accordance with
378 subsection (2) shall be deposited into the Legislative Lobbyist
379 Registration Trust Fund.

380 Section 3. Section 11.0455, Florida Statutes, is amended
381 to read:

382 11.0455 Electronic filing ~~of compensation reports and~~
383 ~~other information.~~--

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

388 ~~(2) Each lobbying firm that is required to file reports~~
389 ~~with the Division of Legislative Information Services pursuant~~

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390 to s. 11.045 must file such reports with the division by means
391 of the division's electronic filing system.

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

397 (2)~~(4)~~ Each report filed pursuant to this section is
398 considered to meet the certification requirements of s.
399 11.045(3)(a)4., and as such subjects the person responsible for
400 filing and the lobbying firm to the provisions of s. 11.045(7)
401 and ~~(8)~~. Persons given a secure sign-on to the electronic filing
402 system are responsible for protecting it from disclosure and are
403 responsible for all filings using such credentials, unless they
404 have notified the division that their credentials have been
405 compromised.

406 (3)~~(5)~~ The electronic filing system developed by the
407 division must:

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

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

411 (c) Provide for ~~direct entry of compensation report~~
412 ~~information as well as~~ upload of such information from software
413 authorized by the division.

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

416 (4)~~(6)~~ Each house of the Legislature shall provide by
417 rule, or may provide by a joint rule adopted by both houses,

418 | procedures to implement and administer this section, ~~including,~~
 419 | ~~but not limited to:~~

420 | ~~(a) Alternate filing procedures in case the division's~~
 421 | ~~electronic filing system is not operable.~~

422 | ~~(b) The issuance of an electronic receipt to the person~~
 423 | ~~submitting the report indicating and verifying the date and time~~
 424 | ~~that the report was filed.~~

425 | (5)~~(7)~~ Each house of the Legislature shall provide by rule
 426 | that the division make all the data filed available on the
 427 | Internet in an easily understood and accessible format. The
 428 | Internet website shall also include, but not be limited to, the
 429 | names and business addresses of lobbyists, lobbying firms, and
 430 | principals, the affiliations between lobbyists and principals,
 431 | and the classification system designated and identified by each
 432 | principal pursuant to s. 11.045(2).

433 | Section 4. Section 112.3215, Florida Statutes, as amended
 434 | by section 6 of chapter 2005-359 and section 14 of chapter 2006-
 435 | 275, Laws of Florida, is amended to read:

436 | 112.3215 Lobbying before the executive branch or the
 437 | Constitution Revision Commission; registration ~~and reporting;~~
 438 | investigation by commission.--

439 | (1) For the purposes of this section:

440 | (a) "Agency" means the Governor, Governor and Cabinet, or
 441 | any department, division, bureau, board, commission, or
 442 | authority of the executive branch. In addition, "agency" shall
 443 | mean the Constitution Revision Commission as provided by s. 2,
 444 | Art. XI of the State Constitution.

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

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

452 (d) "Expenditure" means a payment, distribution, loan,
453 advance, reimbursement, deposit, or anything of value made by a
454 lobbyist or principal for the purpose of lobbying. The term
455 "expenditure" does not include contributions or expenditures
456 reported pursuant to chapter 106 or federal election law,
457 campaign-related personal services provided without compensation
458 by individuals volunteering their time, any other contribution
459 or expenditure made by or to a political party, or any other
460 contribution or expenditure made by an organization that is
461 exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

462 (e) "Fund" means the Executive Branch Lobby Registration
463 Trust Fund.

464 (f) "Lobbies" means seeking, on behalf of another person,
465 to influence an agency with respect to a decision of the agency
466 in the area of policy or procurement or an attempt to obtain the
467 goodwill of an agency official or employee. "Lobbies" also means
468 influencing or attempting to influence, on behalf of another,
469 the Constitution Revision Commission's action or nonaction
470 through oral or written communication or an attempt to obtain
471 the goodwill of a member or employee of the Constitution
472 Revision Commission.

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

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

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

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

488 2. An employee of an agency or of a legislative or
 489 judicial branch entity acting in the normal course of his or her
 490 duties.

491 3. A confidential informant who is providing, or wishes to
 492 provide, confidential information to be used for law enforcement
 493 purposes.

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

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

499 (2) The Executive Branch Lobby Registration Trust Fund is
 500 hereby created within the commission to be used for the purpose

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501 of funding any office established to administer the registration
502 of lobbyists lobbying an agency, including the payment of
503 salaries and other expenses. The trust fund is not subject to
504 the service charge to General Revenue provisions of chapter 215.
505 All annual registration fees collected pursuant to this section
506 shall be deposited into such fund.

507 (3) A person may not lobby an agency until such person has
508 registered as a lobbyist with the commission. Such registration
509 shall be due upon initially being retained to lobby and is
510 renewable on a calendar year basis thereafter. Upon registration
511 the person shall provide a statement signed by the principal or
512 principal's representative that the registrant is authorized to
513 represent the principal. The principal shall also identify and
514 designate its main business on the statement authorizing that
515 lobbyist pursuant to a classification system approved by the
516 commission. The registration shall require each lobbyist to
517 disclose, under oath, the following information:

518 (a) Name and business address;

519 (b) The name and business address of each principal
520 represented;

521 (c) His or her area of interest;

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

523 (e) The existence of any direct or indirect business
524 association, partnership, or financial relationship with any
525 employee of an agency with which he or she lobbies, or intends
526 to lobby, as disclosed in the registration.

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

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

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

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

538 ~~c. Total compensation provided or owed to the lobbying~~
539 ~~firm from all principals for the reporting period, reported in~~
540 ~~one of the following categories: \$0; \$1 to \$49,999; \$50,000 to~~
541 ~~\$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to~~
542 ~~\$999,999; \$1 million or more.~~

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

546 ~~a. Full name, business address, and telephone number of~~
547 ~~the principal; and~~

548 ~~b. Total compensation provided or owed to the lobbying~~
549 ~~firm for the reporting period, reported in one of the following~~
550 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~
551 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~
552 ~~more. If the category "\$50,000 or more" is selected, the~~
553 ~~specific dollar amount of compensation must be reported, rounded~~
554 ~~up or down to the nearest \$1,000.~~

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555 ~~3. If the lobbying firm subcontracts work from another~~
556 ~~lobbying firm and not from the original principal.~~

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

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

563 ~~4. The senior partner, officer, or owner of the lobbying~~
564 ~~firm shall certify to the veracity and completeness of the~~
565 ~~information submitted pursuant to this paragraph.~~

566 ~~(b) For each principal represented by more than one~~
567 ~~lobbying firm, the commission shall aggregate the reporting-~~
568 ~~period and calendar year compensation reported as provided or~~
569 ~~owed by the principal.~~

570 ~~(c) The reporting statements shall be filed no later than~~
571 ~~45 days after the end of each reporting period. The four~~
572 ~~reporting periods are from January 1 through March 31, April 1~~
573 ~~through June 30, July 1 through September 30, and October 1~~
574 ~~through December 31, respectively. Reporting statements must be~~
575 ~~filed by electronic means as provided in s. 112.32155.~~

576 ~~(d) The commission shall provide by rule the grounds for~~
577 ~~waiving a fine, the procedures by which a lobbying firm that~~
578 ~~fails to timely file a report shall be notified and assessed~~
579 ~~finest, and the procedure for appealing the fines. The rule shall~~
580 ~~provide for the following:~~

581 ~~1. Upon determining that the report is late, the person~~
582 ~~designated to review the timeliness of reports shall immediately~~

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583 ~~notify the lobbying firm as to the failure to timely file the~~
584 ~~report and that a fine is being assessed for each late day. The~~
585 ~~fine shall be \$50 per day per report for each late day up to a~~
586 ~~maximum of \$5,000 per late report.~~

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

590 ~~a. When a report is actually received by the lobbyist~~
591 ~~registration and reporting office.~~

592 ~~b. When the electronic receipt issued pursuant to s.~~
593 ~~112.32155 is dated.~~

594 ~~3. Such fine shall be paid within 30 days after the notice~~
595 ~~of payment due is transmitted by the Lobbyist Registration~~
596 ~~Office, unless appeal is made to the commission. The moneys~~
597 ~~shall be deposited into the Executive Branch Lobby Registration~~
598 ~~Trust Fund.~~

599 ~~4. A fine shall not be assessed against a lobbying firm~~
600 ~~the first time any reports for which the lobbying firm is~~
601 ~~responsible are not timely filed. However, to receive the one-~~
602 ~~time fine waiver, all reports for which the lobbying firm is~~
603 ~~responsible must be filed within 30 days after the notice that~~
604 ~~any reports have not been timely filed is transmitted by the~~
605 ~~Lobbyist Registration Office. A fine shall be assessed for any~~
606 ~~subsequent late-filed reports.~~

607 ~~5. Any lobbying firm may appeal or dispute a fine, based~~
608 ~~upon unusual circumstances surrounding the failure to file on~~
609 ~~the designated due date, and may request and shall be entitled~~
610 ~~to a hearing before the commission, which shall have the~~

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611 ~~authority to waive the fine in whole or in part for good cause~~
612 ~~shown. Any such request shall be made within 30 days after the~~
613 ~~notice of payment due is transmitted by the Lobbyist~~
614 ~~Registration Office. In such case, the lobbying firm shall,~~
615 ~~within the 30-day period, notify the person designated to review~~
616 ~~the timeliness of reports in writing of his or her intention to~~
617 ~~bring the matter before the commission.~~

618 ~~6. The person designated to review the timeliness of~~
619 ~~reports shall notify the commission of the failure of a lobbying~~
620 ~~firm to file a report after notice or of the failure of a~~
621 ~~lobbying firm to pay the fine imposed. All lobbyist~~
622 ~~registrations for lobbyists who are partners, owners, officers,~~
623 ~~or employees of a lobbying firm that fails to timely pay a fine~~
624 ~~are automatically suspended until the fine is paid or waived,~~
625 ~~and the commission shall promptly notify all affected principals~~
626 ~~of each suspension and each reinstatement.~~

627 ~~7. Notwithstanding any provision of chapter 120, any fine~~
628 ~~imposed under this subsection that is not waived by final order~~
629 ~~of the commission and that remains unpaid more than 60 days~~
630 ~~after the notice of payment due or more than 60 days after the~~
631 ~~commission renders a final order on the lobbying firm's appeal~~
632 ~~shall be collected by the Department of Financial Services as a~~
633 ~~claim, debt, or other obligation owed to the state, and the~~
634 ~~department may assign the collection of such fine to a~~
635 ~~collection agent as provided in s. 17.20.~~

636 ~~(c) Each lobbying firm and each principal shall preserve~~
637 ~~for a period of 4 years all accounts, bills, receipts, computer~~
638 ~~records, books, papers, and other documents and records~~

639 ~~necessary to substantiate compensation. Any documents and~~
 640 ~~records retained pursuant to this section may be subpoenaed for~~
 641 ~~audit by the Legislative Auditing Committee pursuant to s.~~
 642 ~~11.40, and such subpoena may be enforced in circuit court.~~

643 (5)~~(6)~~(a) Notwithstanding s. 112.3148, s. 112.3149, or any
 644 other provision of law to the contrary, no lobbyist or principal
 645 shall make, directly or indirectly, and no agency official,
 646 member, or employee shall knowingly accept, directly or
 647 indirectly, any expenditure.

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

650 (6)~~(7)~~ A lobbyist shall promptly send a written statement
 651 to the commission canceling the registration for a principal
 652 upon termination of the lobbyist's representation of that
 653 principal. Notwithstanding this requirement, the commission may
 654 remove the name of a lobbyist from the list of registered
 655 lobbyists if the principal notifies the office that a person is
 656 no longer authorized to represent that principal.

657 (7)~~(8)~~(a) The commission shall investigate every sworn
 658 complaint that is filed with it alleging that a person covered
 659 by this section has failed to register, ~~has failed to submit a~~
 660 ~~compensation report,~~ or has knowingly submitted false
 661 information in any ~~report or~~ registration required in this
 662 section.

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

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

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

677 ~~(d) Records relating to an audit conducted pursuant to~~
678 ~~this section or an investigation conducted pursuant to this~~
679 ~~section or s. 112.32155 are confidential and exempt from s.~~
680 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, and~~
681 ~~any meetings held pursuant to such an investigation or at which~~
682 ~~such an audit is discussed are exempt from s. 286.011 and s.~~
683 ~~24(b), Art. I of the State Constitution either until the~~
684 ~~lobbying firm requests in writing that such investigation and~~
685 ~~associated records and meetings be made public or until the~~
686 ~~commission determines there is probable cause that the audit~~
687 ~~reflects a violation of the reporting laws. This paragraph is~~
688 ~~subject to the Open Government Sunset Review Act in accordance~~
689 ~~with s. 119.15 and shall stand repealed on October 2, 2011,~~
690 ~~unless reviewed and saved from repeal through reenactment by the~~
691 ~~Legislature.~~

692 (8) ~~(9)~~ If the commission finds no probable cause to
693 believe that a violation of this section occurred, it shall
694 dismiss the complaint, whereupon the complaint, together with a

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695 written statement of the findings of the investigation and a
696 summary of the facts, shall become a matter of public record,
697 and the commission shall send a copy of the complaint, findings,
698 and summary to the complainant and the alleged violator. ~~If,~~
699 ~~after investigating information from a random audit of lobbying~~
700 ~~reports, the commission finds no probable cause to believe that~~
701 ~~a violation of this section occurred, a written statement of the~~
702 ~~findings of the investigation and a summary of the facts shall~~
703 ~~become a matter of public record, and the commission shall send~~
704 ~~a copy of the findings and summary to the alleged violator.~~ If
705 the commission finds probable cause to believe that a violation
706 occurred, it shall report the results of its investigation to
707 the Governor and Cabinet and send a copy of the report to the
708 alleged violator by certified mail. Such notification and all
709 documents made or received in the disposition of the complaint
710 shall then become public records. Upon request submitted to the
711 Governor and Cabinet in writing, any person whom the commission
712 finds probable cause to believe has violated any provision of
713 this section shall be entitled to a public hearing. Such person
714 shall be deemed to have waived the right to a public hearing if
715 the request is not received within 14 days following the mailing
716 of the probable cause notification. However, the Governor and
717 Cabinet may on its own motion require a public hearing and may
718 conduct such further investigation as it deems necessary.

719 (9) ~~(10)~~ If the Governor and Cabinet finds that a violation
720 occurred, it may reprimand the violator, censure the violator,
721 or prohibit the violator from lobbying all agencies for a period
722 not to exceed 2 years. If the violator is a lobbying firm, the

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723 Governor and Cabinet may also assess a fine of not more than
724 \$5,000 to be deposited in the Executive Branch Lobby
725 Registration Trust Fund.

726 (10)~~(11)~~ Any person, when in doubt about the applicability
727 and interpretation of this section to himself or herself in a
728 particular context, may submit in writing the facts of the
729 situation to the commission with a request for an advisory
730 opinion to establish the standard of duty. An advisory opinion
731 shall be rendered by the commission and, until amended or
732 revoked, shall be binding on the conduct of the person who
733 sought the opinion, unless material facts were omitted or
734 misstated in the request.

735 (11)~~(12)~~ Agencies shall be diligent to ascertain whether
736 persons required to register pursuant to this section have
737 complied. An agency may not knowingly permit a person who is not
738 registered pursuant to this section to lobby the agency.

739 (12)~~(13)~~ Upon discovery of violations of this section an
740 agency or any person may file a sworn complaint with the
741 commission.

742 (13)~~(14)~~ The commission shall adopt rules to administer
743 this section, which shall prescribe forms for registration ~~and~~
744 ~~compensation reports~~, procedures for registration, and
745 procedures that will prevent disclosure of information that is
746 confidential as provided in this section.

747 Section 5. Section 112.32155, Florida Statutes, is amended
748 to read:

749 112.32155 Electronic filing of ~~compensation reports and~~
750 ~~other information.~~ --

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

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

759 ~~(3) A report filed pursuant to this section must be~~
760 ~~completed and filed through the electronic filing system not~~
761 ~~later than 11:59 p.m. of the day designated in s. 112.3215. A~~
762 ~~report not filed by 11:59 p.m. of the day designated is a late-~~
763 ~~filed report and is subject to the penalties under s.~~
764 ~~112.3215(5).~~

765 (2)~~(4)~~ Each report filed pursuant to this section is
766 considered to meet the certification requirements of s.
767 112.3215(5)(a)4. Persons given a secure sign-on to the
768 electronic filing system are responsible for protecting it from
769 disclosure and are responsible for all filings using such
770 credentials, unless they have notified the commission that their
771 credentials have been compromised.

772 (3)~~(5)~~ The electronic filing system must:

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

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

776 (c) Provide for ~~direct entry of compensation report~~
777 ~~information as well as~~ upload of such information from software
778 authorized by the commission.

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

781 ~~(4)(6)~~ The commission shall provide by rule procedures to
782 implement and administer this section, ~~including, but not~~
783 ~~limited to:~~

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

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

789 (5)(7) The commission shall make all the data filed
790 available on the Internet in an easily understood and accessible
791 format. The Internet website shall also include, but not be
792 limited to, the names and business addresses of lobbyists,
793 lobbying firms, and principals, the affiliations between
794 lobbyists and principals, and the classification system
795 designated and identified by each principal pursuant to s.
796 112.3215(3).

797 Section 6. Subsection (17) of section 112.313, Florida
798 Statutes, is amended to read:

799 112.313 Standards of conduct for public officers,
800 employees of agencies, and local government attorneys.--

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

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Section 7. This act shall take effect July 1, 2007.