

By Senator Siplin

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1 A bill to be entitled

2 An act relating to lobbyists; amending s. 11.045, F.S.;

3 deleting provisions requiring a lobbyist before the

4 Legislature to report all compensation paid to the

5 lobbyist; deleting provisions that prohibit a lobbyist or

6 principal from making certain expenditures and that

7 prohibit a member or employee of the Legislature from

8 accepting such expenditures; amending s. 112.3215, F.S.,

9 deleting provisions requiring a lobbyist before the

10 executive branch or the Constitution Revision Commission

11 to report all compensation paid to the lobbyist; deleting

12 provisions that prohibit a lobbyist or principal from

13 making certain expenditures and that prohibit a member or

14 employee of the executive branch or the Constitution

15 Revision Commission from accepting such expenditures;

16 amending ss. 11.40 and 112.313, F.S.; to conform to

17 changes made by the act; repealing ss. 11.0455 and

18 112.32155, F.S., relating to the electronic filing of

19 lobbyists' compensation reports; providing an effective

20 date.

21

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

23

24 Section 1. Paragraph (h) of subsection (6) of section

25 11.40, Florida Statutes, is amended to read:

26 11.40 Legislative Auditing Committee.--

27 (6)

28 (h) The committee shall adopt guidelines that govern random

29 audits and field investigations conducted pursuant to this

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30 subsection. The guidelines shall ensure that similarly situated
31 compensation reports are audited in a uniform manner. ~~The~~
32 ~~guidelines shall also be formulated to encourage compliance and~~
33 ~~detect violations of the legislative and executive lobbying~~
34 ~~compensation reporting requirements in ss. 11.045 and 112.3215~~
35 ~~and to ensure that each audit is conducted with maximum~~
36 ~~efficiency in a cost-effective manner.~~ In adopting the
37 guidelines, the committee shall consider relevant guidelines and
38 standards of the American Institute of Certified Public
39 Accountants to the extent that such guidelines and standards are
40 applicable and consistent with the purposes set forth in this
41 subsection.

42 Section 2. Section 11.045, Florida Statutes, is amended to
43 read:

44 11.045 Lobbying before the Legislature; registration and
45 reporting; exemptions; penalties.--

46 (1) As used in this section, unless the context otherwise
47 requires:

48 (a) "Committee" means the committee of each house charged
49 by the presiding officer with responsibility for ethical conduct
50 of lobbyists.

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

55 (c) "Division" means the Division of Legislative
56 Information Services within the Office of Legislative Services.

57 ~~(d) "Expenditure" means a payment, distribution, loan,~~
58 ~~advance, reimbursement, deposit, or anything of value made by a~~

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59 ~~lobbyist or principal for the purpose of lobbying. The term~~
60 ~~"expenditure" does not include contributions or expenditures~~
61 ~~reported pursuant to chapter 106 or federal election law,~~
62 ~~campaign-related personal services provided without compensation~~
63 ~~by individuals volunteering their time, any other contribution or~~
64 ~~expenditure made by or to a political party, or any other~~
65 ~~contribution or expenditure made by an organization that is~~
66 ~~exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).~~

67 (d) ~~(e)~~ "Legislative action" means introduction,
68 sponsorship, testimony, debate, voting, or any other official
69 action on any measure, resolution, amendment, nomination,
70 appointment, or report of, or any matter which may be the subject
71 of action by, either house of the Legislature or any committee
72 thereof.

73 (e) ~~(f)~~ "Lobbying" means influencing or attempting to
74 influence legislative action or nonaction through oral or written
75 communication or an attempt to obtain the goodwill of a member or
76 employee of the Legislature.

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

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

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88 (h)~~(i)~~ "Principal" means the person, firm, corporation, or
89 other entity which has employed or retained a lobbyist.

90 (2) Each house of the Legislature shall provide by rule, or
91 may provide by a joint rule adopted by both houses, for the
92 registration of lobbyists who lobby the Legislature. The rule may
93 provide for the payment of a registration fee. The rule may
94 provide for exemptions from registration or registration fees.
95 The rule shall provide that:

96 (a) Registration is required for each principal
97 represented.

98 (b) Registration shall include a statement signed by the
99 principal or principal's representative that the registrant is
100 authorized to represent the principal. The principal shall also
101 identify and designate its main business on the statement
102 authorizing that lobbyist pursuant to a classification system
103 approved by the Office of Legislative Services.

104 (c) A registrant shall promptly send a written statement to
105 the division canceling the registration for a principal upon
106 termination of the lobbyist's representation of that principal.
107 Notwithstanding this requirement, the division may remove the
108 name of a registrant from the list of registered lobbyists if the
109 principal notifies the office that a person is no longer
110 authorized to represent that principal.

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

114 (e) Each lobbying firm and each principal shall preserve
115 for a period of 4 years all accounts, bills, receipts, computer
116 records, books, papers, and other documents and records necessary

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117 to substantiate compensation. Any documents and records retained
118 pursuant to this section may be subpoenaed for audit by
119 legislative subpoena of either house of the Legislature, and the
120 subpoena may be enforced in circuit court.

121 (f) All registrations shall be open to the public.

122 (g) Any person who is exempt from registration under the
123 rule shall not be considered a lobbyist for any purpose.

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

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

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

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

133 ~~c. Total compensation provided or owed to the lobbying firm~~
134 ~~from all principals for the reporting period, reported in one of~~
135 ~~the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;~~
136 ~~\$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999;~~
137 ~~\$1 million or more.~~

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

141 ~~a. Full name, business address, and telephone number of the~~
142 ~~principal; and~~

143 ~~b. Total compensation provided or owed to the lobbying firm~~
144 ~~for the reporting period, reported in one of the following~~
145 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~

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146 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~
147 ~~more. If the category "\$50,000 or more" is selected, the specific~~
148 ~~dollar amount of compensation must be reported, rounded up or~~
149 ~~down to the nearest \$1,000.~~

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

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

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

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

161 ~~(b) For each principal represented by more than one~~
162 ~~lobbying firm, the division shall aggregate the reporting period~~
163 ~~and calendar year compensation reported as provided or owed by~~
164 ~~the principal.~~

165 ~~(c) The reporting statements shall be filed no later than~~
166 ~~45 days after the end of each reporting period. The four~~
167 ~~reporting periods are from January 1 through March 31, April 1~~
168 ~~through June 30, July 1 through September 30, and October 1~~
169 ~~through December 31, respectively. The statements shall be~~
170 ~~rendered in the identical form provided by the respective houses~~
171 ~~and shall be open to public inspection. Reporting statements must~~
172 ~~be filed by electronic means as provided in s. 11.0455.~~

173 ~~(d) Each house of the Legislature shall provide by rule, or~~
174 ~~both houses may provide by joint rule, a procedure by which a~~

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175 ~~lobbying firm that fails to timely file a report shall be~~
176 ~~notified and assessed fines. The rule shall provide for the~~
177 ~~following:~~

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

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

187 ~~a. When a report is actually received by the lobbyist~~
188 ~~registration and reporting office.~~

189 ~~b. When the electronic receipt issued pursuant to s.~~
190 ~~11.0455 is dated.~~

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

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

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204 5. ~~Any lobbying firm may appeal or dispute a fine, based~~
205 ~~upon unusual circumstances surrounding the failure to file on the~~
206 ~~designated due date, and may request and shall be entitled to a~~
207 ~~hearing before the General Counsel of the Office of Legislative~~
208 ~~Services, who shall recommend to the President of the Senate and~~
209 ~~the Speaker of the House of Representatives, or their respective~~
210 ~~designees, that the fine be waived in whole or in part for good~~
211 ~~cause shown. The President of the Senate and the Speaker of the~~
212 ~~House of Representatives, or their respective designees, may~~
213 ~~concur in the recommendation and waive the fine in whole or in~~
214 ~~part. Any such request shall be made within 30 days after the~~
215 ~~notice of payment due is transmitted by the Lobbyist Registration~~
216 ~~Office. In such case, the lobbying firm shall, within the 30-day~~
217 ~~period, notify the person designated to review the timeliness of~~
218 ~~reports in writing of his or her 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 the~~
225 ~~Senate and the Speaker of the House of Representatives may grant~~
226 ~~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.~~

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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 ~~(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 ~~(3) (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

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

285 (7) ~~(8)~~ Any person required to be registered or to provide
286 information pursuant to this section or pursuant to rules
287 established in conformity with this section who knowingly fails
288 to disclose any material fact required by this section or by
289 rules established in conformity with this section, ~~or who~~

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290 ~~knowingly provides false information on any report required by~~
291 ~~this section or by rules established in conformity with this~~
292 ~~section,~~ commits a noncriminal infraction, punishable by a fine
293 not to exceed \$5,000. Such penalty shall be in addition to any
294 other penalty assessed by a house of the Legislature pursuant to
295 subsection (6) ~~(7)~~.

296 (8) ~~(9)~~ There is hereby created the Legislative Lobbyist
297 Registration Trust Fund, to be used for the purpose of funding
298 any office established for the administration of the registration
299 of lobbyists lobbying the Legislature, including the payment of
300 salaries and other expenses, and for the purpose of paying the
301 expenses incurred by the Legislature in providing services to
302 lobbyists. The trust fund is not subject to the service charge to
303 general revenue provisions of chapter 215. Fees collected
304 pursuant to rules established in accordance with subsection (2)
305 shall be deposited into the Legislative Lobbyist Registration
306 Trust Fund.

307 Section 3. Subsection (17) of section 112.313, Florida
308 Statutes, is amended to read:

309 112.313 Standards of conduct for public officers, employees
310 of agencies, and local government attorneys.--

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

317 Section 4. Section 112.3215, Florida Statutes, is amended
318 to read:

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319 112.3215 Lobbying before the executive branch or the
320 Constitution Revision Commission; registration and reporting;
321 investigation by commission.--

322 (1) For the purposes of this section:

323 (a) "Agency" means the Governor, Governor and Cabinet, or
324 any department, division, bureau, board, commission, or authority
325 of the executive branch. In addition, "agency" shall mean the
326 Constitution Revision Commission as provided by s. 2, Art. XI of
327 the State Constitution.

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

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

335 ~~(d) "Expenditure" means a payment, distribution, loan,~~
336 ~~advance, reimbursement, deposit, or anything of value made by a~~
337 ~~lobbyist or principal for the purpose of lobbying. The term~~
338 ~~"expenditure" does not include contributions or expenditures~~
339 ~~reported pursuant to chapter 106 or federal election law,~~
340 ~~campaign-related personal services provided without compensation~~
341 ~~by individuals volunteering their time, any other contribution or~~
342 ~~expenditure made by or to a political party, or any other~~
343 ~~contribution or expenditure made by an organization that is~~
344 ~~exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).~~

345 (d) ~~(e)~~ "Fund" means the Executive Branch Lobby Registration
346 Trust Fund.

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347 (e)~~(f)~~ "Lobbies" means seeking, on behalf of another
348 person, to influence an agency with respect to a decision of the
349 agency in the area of policy or procurement or an attempt to
350 obtain the goodwill of an agency official or employee. "Lobbies"
351 also means influencing or attempting to influence, on behalf of
352 another, the Constitution Revision Commission's action or
353 nonaction through oral or written communication or an attempt to
354 obtain the goodwill of a member or employee of the Constitution
355 Revision Commission.

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

361 (g)~~(h)~~ "Lobbyist" means a person who is employed and
362 receives payment, or who contracts for economic consideration,
363 for the purpose of lobbying, or a person who is principally
364 employed for governmental affairs by another person or
365 governmental entity to lobby on behalf of that other person or
366 governmental entity. "Lobbyist" does not include a person who is:

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

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

373 3. A confidential informant who is providing, or wishes to
374 provide, confidential information to be used for law enforcement
375 purposes.

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

379 (h)~~(i)~~ "Principal" means the person, firm, corporation, or
380 other entity which has employed or retained a lobbyist.

381 (2) The Executive Branch Lobby Registration Trust Fund is
382 hereby created within the commission to be used for the purpose
383 of funding any office established to administer the registration
384 of lobbyists lobbying an agency, including the payment of
385 salaries and other expenses. The trust fund is not subject to the
386 service charge to General Revenue provisions of chapter 215. All
387 annual registration fees collected pursuant to this section shall
388 be deposited into such fund.

389 (3) A person may not lobby an agency until such person has
390 registered as a lobbyist with the commission. Such registration
391 shall be due upon initially being retained to lobby and is
392 renewable on a calendar year basis thereafter. Upon registration
393 the person shall provide a statement signed by the principal or
394 principal's representative that the registrant is authorized to
395 represent the principal. The principal shall also identify and
396 designate its main business on the statement authorizing that
397 lobbyist pursuant to a classification system approved by the
398 commission. The registration shall require each lobbyist to
399 disclose, under oath, the following information:

400 (a) Name and business address;

401 (b) The name and business address of each principal
402 represented;

403 (c) His or her area of interest;

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

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

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

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

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

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

420 ~~c. Total compensation provided or owed to the lobbying firm~~
421 ~~from all principals for the reporting period, reported in one of~~
422 ~~the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;~~
423 ~~\$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999;~~
424 ~~\$1 million or more.~~

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

428 ~~a. Full name, business address, and telephone number of the~~
429 ~~principal; and~~

430 ~~b. Total compensation provided or owed to the lobbying firm~~
431 ~~for the reporting period, reported in one of the following~~
432 ~~categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to~~
433 ~~\$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or~~

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434 ~~more. If the category "\$50,000 or more" is selected, the specific~~
435 ~~dollar amount of compensation must be reported, rounded up or~~
436 ~~down to the nearest \$1,000.~~

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

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

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

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

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

452 ~~(c) The reporting statements shall be filed no later than~~
453 ~~45 days after the end of each reporting period. The four~~
454 ~~reporting periods are from January 1 through March 31, April 1~~
455 ~~through June 30, July 1 through September 30, and October 1~~
456 ~~through December 31, respectively. Reporting statements must be~~
457 ~~filed by electronic means as provided in s. 112.32155.~~

458 ~~(d) The commission shall provide by rule the grounds for~~
459 ~~waiving a fine, the procedures by which a lobbying firm that~~
460 ~~fails to timely file a report shall be notified and assessed~~
461 ~~finances, and the procedure for appealing the fines. The rule shall~~
462 ~~provide for the following:~~

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463 1. ~~Upon determining that the report is late, the person~~
464 ~~designated to review the timeliness of reports shall immediately~~
465 ~~notify the lobbying firm as to the failure to timely file the~~
466 ~~report and that a fine is being assessed for each late day. The~~
467 ~~fine shall be \$50 per day per report for each late day up to a~~
468 ~~maximum of \$5,000 per late report.~~

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

472 a. ~~When a report is actually received by the lobbyist~~
473 ~~registration and reporting office.~~

474 b. ~~When the electronic receipt issued pursuant to s.~~
475 ~~112.32155 is dated.~~

476 3. ~~Such fine shall be paid within 30 days after the notice~~
477 ~~of payment due is transmitted by the Lobbyist Registration~~
478 ~~Office, unless appeal is made to the commission. The moneys shall~~
479 ~~be deposited into the Executive Branch Lobby Registration Trust~~
480 ~~Fund.~~

481 4. ~~A fine shall not be assessed against a lobbying firm the~~
482 ~~first time any reports for which the lobbying firm is responsible~~
483 ~~are not timely filed. However, to receive the one-time fine~~
484 ~~waiver, all reports for which the lobbying firm is responsible~~
485 ~~must be filed within 30 days after the notice that any reports~~
486 ~~have not been timely filed is transmitted by the Lobbyist~~
487 ~~Registration Office. A fine shall be assessed for any subsequent~~
488 ~~late-filed reports.~~

489 5. ~~Any lobbying firm may appeal or dispute a fine, based~~
490 ~~upon unusual circumstances surrounding the failure to file on the~~
491 ~~designated due date, and may request and shall be entitled to a~~

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492 ~~hearing before the commission, which shall have the authority to~~
493 ~~waive the fine in whole or in part for good cause shown. Any such~~
494 ~~request shall be made within 30 days after the notice of payment~~
495 ~~due is transmitted by the Lobbyist Registration Office. In such~~
496 ~~case, the lobbying firm shall, within the 30-day period, notify~~
497 ~~the person designated to review the timeliness of reports in~~
498 ~~writing of his or her intention to bring the matter before the~~
499 ~~commission.~~

500 ~~6. The person designated to review the timeliness of~~
501 ~~reports shall notify the commission of the failure of a lobbying~~
502 ~~firm to file a report after notice or of the failure of a~~
503 ~~lobbying firm to pay the fine imposed. All lobbyist registrations~~
504 ~~for lobbyists who are partners, owners, officers, or employees of~~
505 ~~a lobbying firm that fails to timely pay a fine are automatically~~
506 ~~suspended until the fine is paid or waived, and the commission~~
507 ~~shall promptly notify all affected principals of each suspension~~
508 ~~and each reinstatement.~~

509 ~~7. Notwithstanding any provision of chapter 120, any fine~~
510 ~~imposed under this subsection that is not waived by final order~~
511 ~~of the commission and that remains unpaid more than 60 days after~~
512 ~~the notice of payment due or more than 60 days after the~~
513 ~~commission renders a final order on the lobbying firm's appeal~~
514 ~~shall be collected by the Department of Financial Services as a~~
515 ~~claim, debt, or other obligation owed to the state, and the~~
516 ~~department may assign the collection of such fine to a collection~~
517 ~~agent as provided in s. 17.20.~~

518 (5)(e) Each lobbying firm and each principal shall preserve
519 for a period of 4 years all accounts, bills, receipts, computer
520 records, books, papers, and other documents and records necessary

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521 | to substantiate compensation. Any documents and records retained
522 | pursuant to this section may be subpoenaed for audit by the
523 | Legislative Auditing Committee pursuant to s. 11.40, and such
524 | subpoena may be enforced in circuit court.

525 | (6) ~~(a) Notwithstanding s. 112.3148, s. 112.3149, or any~~
526 | ~~other provision of law to the contrary, no lobbyist or principal~~
527 | ~~shall make, directly or indirectly, and no agency official,~~
528 | ~~member, or employee shall knowingly accept, directly or~~
529 | ~~indirectly, any expenditure.~~

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

532 | (7) A lobbyist shall promptly send a written statement to
533 | the commission canceling the registration for a principal upon
534 | termination of the lobbyist's representation of that principal.
535 | Notwithstanding this requirement, the commission may remove the
536 | name of a lobbyist from the list of registered lobbyists if the
537 | principal notifies the office that a person is no longer
538 | authorized to represent that principal.

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

544 | (b) All proceedings, the complaint, and other records
545 | relating to the investigation are confidential and exempt from
546 | the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
547 | Constitution, and any meetings held pursuant to an investigation
548 | are exempt from the provisions of s. 286.011(1) and s. 24(b),
549 | Art. I of the State Constitution either until the alleged

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550 violator requests in writing that such investigation and
551 associated records and meetings be made public or until the
552 commission determines, based on the investigation, whether
553 probable cause exists to believe that a violation has occurred.

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

558 (d) Records relating to ~~an audit conducted pursuant to this~~
559 ~~section or~~ an investigation conducted pursuant to this section or
560 s. 112.32155 are confidential and exempt from s. 119.07(1) and s.
561 24(a), Art. I of the State Constitution, and any meetings held
562 pursuant to such an investigation ~~or at which such an audit is~~
563 ~~discussed~~ are exempt from s. 286.011 and s. 24(b), Art. I of the
564 State Constitution ~~either~~ until the lobbying firm requests in
565 writing that such investigation and associated records and
566 meetings be made public or until the commission determines there
567 is probable cause that ~~the audit~~ reflects a violation of the
568 reporting laws. This paragraph is subject to the Open Government
569 Sunset Review Act in accordance with s. 119.15 and shall stand
570 repealed on October 2, 2011, unless reviewed and saved from
571 repeal through reenactment by the Legislature.

572 (9) If the commission finds no probable cause to believe
573 that a violation of this section occurred, it shall dismiss the
574 complaint, whereupon the complaint, together with a written
575 statement of the findings of the investigation and a summary of
576 the facts, shall become a matter of public record, and the
577 commission shall send a copy of the complaint, findings, and
578 summary to the complainant and the alleged violator. If, ~~after~~

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579 ~~investigating information from a random audit of lobbying~~
580 ~~reports,~~ the commission finds no probable cause to believe that a
581 violation of this section occurred, a written statement of the
582 findings of the investigation and a summary of the facts shall
583 become a matter of public record, and the commission shall send a
584 copy of the findings and summary to the alleged violator. If the
585 commission finds probable cause to believe that a violation
586 occurred, it shall report the results of its investigation to the
587 Governor and Cabinet and send a copy of the report to the alleged
588 violator by certified mail. Such notification and all documents
589 made or received in the disposition of the complaint shall then
590 become public records. Upon request submitted to the Governor and
591 Cabinet in writing, any person whom the commission finds probable
592 cause to believe has violated any provision of this section shall
593 be entitled to a public hearing. Such person shall be deemed to
594 have waived the right to a public hearing if the request is not
595 received within 14 days following the mailing of the probable
596 cause notification. However, the Governor and Cabinet may on its
597 own motion require a public hearing and may conduct such further
598 investigation as it deems necessary.

599 (10) If the Governor and Cabinet finds that a violation
600 occurred, it may reprimand the violator, censure the violator, or
601 prohibit the violator from lobbying all agencies for a period not
602 to exceed 2 years. If the violator is a lobbying firm, the
603 Governor and Cabinet may also assess a fine of not more than
604 \$5,000 to be deposited in the Executive Branch Lobby Registration
605 Trust Fund.

606 (11) Any person, when in doubt about the applicability and
607 interpretation of this section to himself or herself in a

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608 particular context, may submit in writing the facts of the
609 situation to the commission with a request for an advisory
610 opinion to establish the standard of duty. An advisory opinion
611 shall be rendered by the commission and, until amended or
612 revoked, shall be binding on the conduct of the person who sought
613 the opinion, unless material facts were omitted or misstated in
614 the request.

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

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

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

626 Section 5. Sections 11.0455 and 112.32155, Florida
627 Statutes, are repealed.

628 Section 6. This act shall take effect July 1, 2008.