

By the Committee on Rules

595-02198B-12

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1                   A bill to be entitled  
2           An act relating to the Office of Legislative Services;  
3           amending ss. 11.045, 11.0455, and 112.3148, F.S.;  
4           providing for duties related to the registration and  
5           reporting of legislative lobbyists to be conducted by  
6           the office rather than the Division of Legislative  
7           Information Services within the office; amending s.  
8           11.242, F.S.; requiring that certain content relating  
9           to the published edition of the Florida Statutes be  
10          determined by the office rather than by the Division  
11          of Statutory Revision within the office; amending s.  
12          119.15, F.S.; requiring that the office, rather than  
13          the Division of Statutory Revision, certify to the  
14          Legislature public records and public meetings  
15          exemptions that are scheduled for repeal; providing an  
16          effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Paragraphs (c) through (h) of subsection (1),  
21           paragraph (c) of subsection (2), and paragraphs (a), (b), and  
22           (d) of subsection (3) of section 11.045, Florida Statutes, are  
23           reordered and amended to read:

24           11.045 Lobbying before the Legislature; registration and  
25           reporting; exemptions; penalties.—

26           (1) As used in this section, unless the context otherwise  
27           requires:

28           (h) ~~(e)~~ "Office Division" means the ~~Division of Legislative~~  
29           ~~Information Services within the~~ Office of Legislative Services.

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30        (c)~~(d)~~ "Expenditure" means a payment, distribution, loan,  
31 advance, reimbursement, deposit, or anything of value made by a  
32 lobbyist or principal for the purpose of lobbying. The term  
33 ~~"expenditure"~~ does not include contributions or expenditures  
34 reported pursuant to chapter 106 or federal election law,  
35 campaign-related personal services provided without compensation  
36 by individuals volunteering their time, any other contribution  
37 or expenditure made by or to a political party or affiliated  
38 party committee, or any other contribution or expenditure made  
39 by an organization that is exempt from taxation under 26 U.S.C.  
40 s. 527 or s. 501(c)(4).

41        (d)~~(e)~~ "Legislative action" means introduction,  
42 sponsorship, testimony, debate, voting, or any other official  
43 action on any measure, resolution, amendment, nomination,  
44 appointment, or report of, or any matter that ~~which~~ may be the  
45 subject of action by, either house of the Legislature or any  
46 committee thereof.

47        (e)~~(f)~~ "Lobbying" means influencing or attempting to  
48 influence legislative action or nonaction through oral or  
49 written communication or an attempt to obtain the goodwill of a  
50 member or employee of the Legislature.

51        (f)~~(g)~~ "Lobbying firm" means any business entity, including  
52 an individual contract lobbyist, which ~~that~~ receives or becomes  
53 entitled to receive any compensation for the purpose of  
54 lobbying, where any partner, owner, officer, or employee of the  
55 business entity is a lobbyist.

56        (g)~~(h)~~ "Lobbyist" means a person who is employed and  
57 receives payment, or who contracts for economic consideration,  
58 for the purpose of lobbying, or a person who is principally

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59 employed for governmental affairs by another person or  
60 governmental entity to lobby on behalf of that other person or  
61 governmental entity.

62 (2) Each house of the Legislature shall provide by rule, or  
63 may provide by a joint rule adopted by both houses, for the  
64 registration of lobbyists who lobby the Legislature. The rule  
65 may provide for the payment of a registration fee. The rule may  
66 provide for exemptions from registration or registration fees.  
67 The rule shall provide that:

68 (c) A registrant shall promptly send a written statement to  
69 the office ~~division~~ canceling the registration for a principal  
70 upon termination of the lobbyist's representation of that  
71 principal. However ~~Notwithstanding this requirement~~, the office  
72 ~~division~~ may remove the name of a registrant from the list of  
73 registered lobbyists if the principal notifies the office that a  
74 person is no longer authorized to represent that principal.

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

77 (a)1. Each lobbying firm shall file a compensation report  
78 with the office ~~division~~ for each calendar quarter during any  
79 portion of which one or more of the firm's lobbyists were  
80 registered to represent a principal. The report must ~~shall~~  
81 include the:

- 82 a. Full name, business address, and telephone number of the  
83 lobbying firm;
- 84 b. Name of each of the firm's lobbyists; and
- 85 c. Total compensation provided or owed to the lobbying firm  
86 from all principals for the reporting period, reported in one of  
87 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;

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88 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
89 \$999,999; \$1 million or more.

90 2. For each principal represented by one or more of the  
91 firm's lobbyists, the lobbying firm's compensation report must  
92 ~~shall~~ also include the:

93 a. Full name, business address, and telephone number of the  
94 principal; and

95 b. Total compensation provided or owed to the lobbying firm  
96 for the reporting period, reported in one of the following  
97 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
98 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
99 more. If the category "\$50,000 or more" is selected, the  
100 specific dollar amount of compensation must be reported, rounded  
101 up or down to the nearest \$1,000.

102 3. If the lobbying firm subcontracts work from another  
103 lobbying firm and not from the original principal:

104 a. The lobbying firm providing the work to be subcontracted  
105 shall be treated as the reporting lobbying firm's principal for  
106 reporting purposes under this paragraph; and

107 b. The reporting lobbying firm shall, for each lobbying  
108 firm identified under subparagraph 2., identify the name and  
109 address of the principal originating the lobbying work.

110 4. The senior partner, officer, or owner of the lobbying  
111 firm shall certify to the veracity and completeness of the  
112 information submitted pursuant to this paragraph.

113 (b) For each principal represented by more than one  
114 lobbying firm, the office ~~division~~ shall aggregate the  
115 reporting-period and calendar-year compensation reported as  
116 provided or owed by the principal.

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117 (d) Each house of the Legislature shall provide by rule, or  
118 both houses may provide by joint rule, a procedure by which a  
119 lobbying firm that fails to timely file a report shall be  
120 notified and assessed fines. The rule must ~~shall~~ provide ~~for~~ the  
121 following:

122 1. Upon determining that the report is late, the person  
123 designated to review the timeliness of reports shall immediately  
124 notify the lobbying firm as to the failure to timely file the  
125 report and that a fine is being assessed for each late day. The  
126 fine shall be \$50 per day per report for each late day, not to  
127 exceed \$5,000 per report.

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

131 a. When a report is actually received by the lobbyist  
132 registration and reporting office.

133 b. When the electronic receipt issued pursuant to s.  
134 11.0455 is dated.

135 3. Such fine must ~~shall~~ be paid within 30 days after the  
136 notice of payment due is transmitted by the Lobbyist  
137 Registration Office, unless appeal is made to the office  
138 ~~division~~. The moneys shall be deposited into the Legislative  
139 Lobbyist Registration Trust Fund.

140 4. A fine may ~~shall~~ not be assessed against a lobbying firm  
141 the first time any reports for which the lobbying firm is  
142 responsible are not timely filed. However, to receive the one-  
143 time fine waiver, all reports for which the lobbying firm is  
144 responsible must be filed within 30 days after notice that any  
145 reports have not been timely filed is transmitted by the

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146 Lobbyist Registration Office. A fine shall be assessed for any  
147 subsequent late-filed reports.

148         5. Any lobbying firm may appeal or dispute a fine, based  
149 upon unusual circumstances surrounding the failure to file on  
150 the designated due date, and may request and is ~~shall be~~  
151 entitled to a hearing before the General Counsel of the Office  
152 of Legislative Services, who shall recommend to the President of  
153 the Senate and the Speaker of the House of Representatives, or  
154 their respective designees, that the fine be waived in whole or  
155 in part for good cause shown. The President of the Senate and  
156 the Speaker of the House of Representatives, or their respective  
157 designees, may concur in the recommendation and waive the fine  
158 in whole or in part. Any such request must ~~shall~~ be made within  
159 30 days after the notice of payment due is transmitted by the  
160 Lobbyist Registration Office. In such case, the lobbying firm  
161 shall, within the 30-day period, notify the person designated to  
162 review the timeliness of reports in writing of his or her  
163 intention to request a hearing.

164         6. A lobbying firm may request that the filing of a report  
165 be waived upon good cause shown, based on unusual circumstances.  
166 The request must be filed with the General Counsel of the Office  
167 of Legislative Services, who shall make a recommendation  
168 concerning the waiver request to the President of the Senate and  
169 the Speaker of the House of Representatives. The President of  
170 the Senate and the Speaker of the House of Representatives may  
171 grant or deny the request.

172         7. All lobbyist registrations for lobbyists who are  
173 partners, owners, officers, or employees of a lobbying firm that  
174 fails to timely pay a fine are automatically suspended until the

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175 fine is paid or waived, and the office ~~division~~ shall promptly  
176 notify all affected principals of any suspension or  
177 reinstatement.

178 8. The person designated to review the timeliness of  
179 reports shall notify the coordinator ~~director~~ of the office  
180 ~~division~~ of the failure of a lobbying firm to file a report  
181 after notice or of the failure of a lobbying firm to pay the  
182 fine imposed.

183 Section 2. Subsections (2), (4), and (5), paragraph (a) of  
184 subsection (6), and subsection (7) of section 11.0455, Florida  
185 Statutes, are amended to read:

186 11.0455 Electronic filing of compensation reports and other  
187 information.—

188 (2) Each lobbying firm that is required to file reports  
189 with the Office ~~Division~~ of Legislative ~~Information~~ Services  
190 pursuant to s. 11.045 must file such reports with the office  
191 ~~division~~ by means of the office's ~~division's~~ electronic filing  
192 system.

193 (4) Each report filed pursuant to this section is deemed  
194 ~~considered~~ to meet the certification requirements of s.  
195 11.045(3)(a)4., and as such subjects the person responsible for  
196 filing and the lobbying firm to the provisions of s. 11.045(7)  
197 and (8). Persons given a secure sign-on to the electronic filing  
198 system are responsible for protecting it from disclosure and are  
199 responsible for all filings using such credentials, unless they  
200 have notified the office ~~division~~ that their credentials have  
201 been compromised.

202 (5) The electronic filing system developed by the office  
203 ~~division~~ must:

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- 204 (a) Be based on access by means of the Internet.
- 205 (b) Be accessible by anyone with Internet access using  
206 standard web-browsing software.
- 207 (c) Provide for direct entry of compensation report  
208 information as well as upload of such information from software  
209 authorized by the office ~~division~~.
- 210 (d) Provide a method that prevents unauthorized access to  
211 electronic filing system functions.
- 212 (6) Each house of the Legislature shall provide by rule, or  
213 may provide by a joint rule adopted by both houses, procedures  
214 to implement and administer this section, including, but not  
215 limited to:
- 216 (a) Alternate filing procedures in case the office's  
217 ~~division's~~ electronic filing system is not operable.
- 218 (7) Each house of the Legislature shall provide by rule  
219 that the office ~~division~~ make all the data filed available on  
220 the Internet in an easily understood and accessible format. The  
221 Internet website must ~~shall~~ also include, but not be limited to,  
222 the names and business addresses of lobbyists, lobbying firms,  
223 and principals, the affiliations between lobbyists and  
224 principals, and the classification system designated and  
225 identified by each principal pursuant to s. 11.045(2).
- 226 Section 3. Paragraph (d) of subsection (4) of section  
227 11.242, Florida Statutes, is amended to read:
- 228 11.242 Powers, duties, and functions as to statutory  
229 revision.—The powers, duties, and functions of the Office of  
230 Legislative Services in the operation and maintenance of a  
231 statutory revision program shall be as follows:
- 232 (4) The published edition of the Florida Statutes shall



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233 contain the following:

234 (d) Such other matters, notes, data, and other material as  
235 may be deemed necessary or admissible by the ~~Division of~~  
236 ~~Statutory Revision of the~~ Office of Legislative Services for  
237 reference, convenience, or interpretation.

238 Section 4. Paragraph (b) of subsection (5) of section  
239 112.3148, Florida Statutes, is amended to read:

240 112.3148 Reporting and prohibited receipt of gifts by  
241 individuals filing full or limited public disclosure of  
242 financial interests and by procurement employees.—

243 (5)

244 (b) However, a person who is regulated by this subsection,  
245 who is not regulated by subsection (6), and who makes, or  
246 directs another to make, an individual gift having a value in  
247 excess of \$25, but not in excess of \$100, other than a gift that  
248 ~~which~~ the donor knows will be accepted on behalf of a  
249 governmental entity or charitable organization, must file a  
250 report on the last day of each calendar quarter, ~~for the~~  
251 previous calendar quarter in which a reportable gift is made.  
252 The report shall be filed with the Commission on Ethics, except  
253 with respect to gifts to reporting individuals of the  
254 legislative branch, in which case the report shall be filed with  
255 the ~~Division of Legislative Information Services in the~~ Office  
256 of Legislative Services. The report must contain a description  
257 of each gift, the monetary value thereof, the name and address  
258 of the person making such gift, the name and address of the  
259 recipient of the gift, and the date such gift is given. In  
260 addition, if ~~when~~ a gift is made which requires the filing of a  
261 report under this subsection, the donor must notify the intended

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262 recipient at the time the gift is made that the donor, or  
263 another on his or her behalf, will report the gift under this  
264 subsection. Under this paragraph, a gift need not be reported by  
265 more than one person or entity.

266 Section 5. Subsection (5) of section 119.15, Florida  
267 Statutes, is amended to read:

268 119.15 Legislative review of exemptions from public meeting  
269 and public records requirements.-

270 (5) (a) By June 1 in the year before the repeal of an  
271 exemption under this section, the ~~Division of Statutory Revision~~  
272 ~~of the~~ Office of Legislative Services shall certify to the  
273 President of the Senate and the Speaker of the House of  
274 Representatives the language and statutory citation of each  
275 exemption scheduled for repeal the following year.

276 (b) An ~~Any~~ exemption that is not identified and certified  
277 to the President of the Senate and the Speaker of the House of  
278 Representatives is not subject to legislative review and repeal  
279 under this section. If the office ~~division~~ fails to certify an  
280 exemption that it subsequently determines should have been  
281 certified, it shall include the exemption in the following  
282 year's certification after that determination.

283 Section 6. This act shall take effect upon becoming a law.