

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.