

FOR CONSIDERATION By the Committee on Rules

595-01950B-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 and 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.; providing that certain content relating  
9 to the published edition of the Florida Statutes be  
10 determined by the office rather than the Division of  
11 Statutory Revision within the office; amending s.  
12 112.3148, F.S.; conforming provisions to changes made  
13 by the act; amending s. 119.15, F.S.; requiring that  
14 the office, rather than the Division of Statutory  
15 Revision, certify to the Legislature public records  
16 and public meetings exemptions that are scheduled for  
17 repeal; providing an effective date.

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

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

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

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

29 (h) ~~(e)~~ "Office Division" means the ~~Division of Legislative~~

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30 ~~Information Services within the~~ Office of Legislative Services.

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

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

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

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

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

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59 for the purpose of lobbying, or a person who is principally  
60 employed for governmental affairs by another person or  
61 governmental entity to lobby on behalf of that other person or  
62 governmental entity.

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

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

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

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

83 a. Full name, business address, and telephone number of the  
84 lobbying firm;

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

86 c. Total compensation provided or owed to the lobbying firm  
87 from all principals for the reporting period, reported in one of

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88 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;  
89 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
90 \$999,999; \$1 million or more.

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

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

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

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

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

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

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

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

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117 provided or owed by the principal.

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

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

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

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

134 b. When the electronic receipt issued pursuant to s.  
135 11.0455 is dated.

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

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

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146 reports have not been timely filed is transmitted by the  
147 Lobbyist Registration Office. A fine shall be assessed for any  
148 subsequent late-filed reports.

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

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

173         7. All lobbyist registrations for lobbyists who are  
174 partners, owners, officers, or employees of a lobbying firm that

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175 fails to timely pay a fine are automatically suspended until the  
176 fine is paid or waived, and the office ~~division~~ shall promptly  
177 notify all affected principals of any suspension or  
178 reinstatement.

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

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

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

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

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

203 (5) The electronic filing system developed by the office

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204 ~~division~~ must:

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

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

208 (c) Provide for direct entry of compensation report  
209 information as well as upload of such information from software  
210 authorized by the office ~~division~~.

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

213 (6) Each house of the Legislature shall provide by rule, or  
214 may provide by a joint rule adopted by both houses, procedures  
215 to implement and administer this section, including, but not  
216 limited to:

217 (a) Alternate filing procedures in case the office's  
218 ~~division's~~ electronic filing system is not operable.

219 (7) Each house of the Legislature shall provide by rule  
220 that the office ~~division~~ make all the data filed available on  
221 the Internet in an easily understood and accessible format. The  
222 Internet website must ~~shall~~ also include, but not be limited to,  
223 the names and business addresses of lobbyists, lobbying firms,  
224 and principals, the affiliations between lobbyists and  
225 principals, and the classification system designated and  
226 identified by each principal pursuant to s. 11.045(2).

227 Section 3. Paragraph (d) of subsection (4) of section  
228 11.242, Florida Statutes, is amended to read:

229 11.242 Powers, duties, and functions as to statutory  
230 revision.—The powers, duties, and functions of the Office of  
231 Legislative Services in the operation and maintenance of a  
232 statutory revision program shall be as follows:



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233 (4) The published edition of the Florida Statutes shall  
234 contain the following:

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

239 Section 4. Paragraph (b) of subsection (5) of section  
240 112.3148, Florida Statutes, is amended to read:

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

244 (5)

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

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

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

269 119.15 Legislative review of exemptions from public meeting  
270 and public records requirements.—

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

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

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