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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
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The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 383 - 591

and insert:

Section 8. Section 112.3261, Florida Statutes, is created to read:

112.3261 Lobbying before expressway authorities, independent special districts, port authorities; registration and reporting.—

(1) As used in this section, the term:



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- 11 (a) "Compensation" has the same meaning as in s. 112.3215.
12 (b) "Expenditure" has the same meaning as in s. 112.3215.
13 (c) "Expressway authority" has the same meaning as the term
14 "authority" in s. 348.0002.
15 (d) "Independent special district" means a water management
16 district, hospital district, children's services district, or
17 any independent special district, as defined in s. 189.403, that
18 exercises ad valorem taxing authority.
19 (e) "Lobbies" means seeking, on behalf of another person,
20 to influence an expressway authority, independent special
21 district, or port authority with respect to a decision of the
22 authority or district in an area of policy or procurement or an
23 attempt to obtain the goodwill of an authority or district
24 official or employee.
25 (f) "Lobbying firm" has the same meaning as in s. 112.3215.
26 (g) "Lobbyist" has the same meaning as in s. 112.3215.
27 (h) "Port authority" has the same meaning as in s. 315.02.
28 (i) "Principal" has the same meaning as in s. 112.3215.
29 (2) A person may not lobby an expressway authority,
30 independent special district, or port authority until such
31 person has registered as a lobbyist with that authority or
32 district. Such registration shall be due upon initially being
33 retained to lobby and is renewable on a calendar-year basis
34 thereafter. Upon registration, the person shall provide a
35 statement signed by the principal or principal's representative
36 stating that the registrant is authorized to represent the
37 principal. The principal shall also identify and designate its
38 main business on the statement authorizing that lobbyist
39 pursuant to a classification system approved by the authority or



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40 district. The registration form shall require each lobbyist to
41 disclose, under oath, the following:

42 (a) The lobbyist's name and business address.

43 (b) The name and business address of each principal
44 represented.

45 (c) The lobbyist's area of interest.

46 (d) The existence of any direct or indirect business
47 association, partnership, or financial relationship with any
48 employee of an authority or district with which he or she
49 lobbies or intends to lobby.

50 (3) An expressway authority, independent special district,
51 or port authority shall make lobbyist registrations available to
52 the public. If an authority or district maintains a website, a
53 database of current registered lobbyists and principals must be
54 available on the authority's or district's website.

55 (4) A lobbyist shall promptly send a written statement to
56 the expressway authority, independent special district, or port
57 authority cancelling the registration for a principal upon
58 termination of the lobbyist's representation of that principal.
59 An authority or district may remove the name of a lobbyist from
60 the list of registered lobbyists if the principal notifies the
61 authority or district that a person is no longer authorized to
62 represent that principal.

63 (5) An expressway authority, independent special district,
64 or port authority may establish an annual lobbyist registration
65 fee, not to exceed \$40, for each principal represented.

66 (6) (a) 1. Each lobbying firm shall file a compensation
67 report with the expressway authority, independent special
68 district, or port authority for each calendar quarter during any



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69 portion of which one or more of the firm's lobbyists were
70 registered to represent a principal. The compensation report
71 shall include the following:

72 a. Full name, business address, and telephone number of the
73 lobbying firm;

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

75 c. Total compensation provided or owed to the lobbying firm
76 from all principals for the reporting period, reported in one of
77 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;
78 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
79 \$999,999; \$1 million or more.

80 2. For each principal represented by one or more of the
81 firm's lobbyists, the lobbying firm's compensation report shall
82 also include the following:

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

85 b. Total compensation provided or owed to the lobbying firm
86 for the reporting period, reported in one of the following
87 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to
88 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or
89 more. If the category "\$50,000 or more" is selected, the
90 specific dollar amount of compensation must be reported, rounded
91 up or down to the nearest \$1,000.

92 3. If a lobbying firm subcontracts work from another
93 lobbying firm and not from the original principal:

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

97 b. The reporting lobbying firm shall, for each lobbying



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98 firm identified under subparagraph 2., identify the name and
99 address of the principal originating the lobbying work.

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

103 (b) For each principal represented by more than one
104 lobbying firm, the authority or district shall aggregate the
105 quarterly reporting period and calendar-year compensation
106 reported as provided or owed by the principal.

107 (c) The reporting statements shall be filed no later than
108 45 days after the end of each reporting period. The four
109 reporting periods are from January 1 through March 31, April 1
110 through June 30, July 1 through September 30, and October 1
111 through December 31, respectively. Reporting statements may be
112 filed by electronic means established by the authority or
113 district.

114 (d) The authority or district shall establish procedures
115 with respect to notifying a lobbying firm that fails to timely
116 file a report and is assessed a fine, the grounds for waiving a
117 fine, and the appeal of an assessed fine. The procedures shall
118 address the following:

119 1. Upon determining that the report is late, the person
120 designated to review the timeliness of reports shall immediately
121 notify the lobbying firm of its failure to timely file the
122 report and that a fine is being assessed for each late day. The
123 fine shall be \$50 per day per report for each late day, up to a
124 maximum fine of \$5,000 per late report.

125 2. Upon receipt of the report, the person designated to
126 review the timeliness of reports shall determine the amount of



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127 the fine due based upon the earliest of the following:
128 a. The date that a report is actually received by the
129 authority or district.
130 b. The date that an electronic receipt for the report is
131 issued.
132 3. Unless the fine is appealed, it shall be paid within 30
133 days after the notice of payment due is transmitted by the
134 authority or district. The authority or district may only use
135 the moneys collected to administer the provisions of this
136 section.
137 4. A fine may not be assessed against a lobbying firm the
138 first time any reports for which the lobbying firm is
139 responsible are not timely filed. However, to receive the one-
140 time fine waiver, all reports for which the lobbying firm is
141 responsible must be filed within 30 days after the notice that
142 any reports have not been timely filed is transmitted by the
143 authority or district. A fine shall be assessed for any
144 subsequent late-filed reports.
145 5. A lobbying firm may appeal or dispute a fine, based upon
146 unusual circumstances surrounding the failure to file on the
147 designated due date, and may request, and is entitled to, a
148 hearing before the authority or district, which may waive the
149 fine in whole or in part for good cause shown. Any such request
150 shall be made within 30 days after the notice of payment due is
151 transmitted by the authority or district. In such case, the
152 lobbying firm shall, within the 30-day period, notify the person
153 designated to review the timeliness of reports in writing of his
154 or her intention to bring the matter before the authority or
155 district.



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156 6. The person designated to review the timeliness of
157 reports shall notify the authority or district of the failure of
158 a lobbying firm to file a report after notice or the failure of
159 a lobbying firm to pay the fine imposed. All lobbyist
160 registrations for lobbyists who are partners, owners, officers,
161 or employees of a lobbying firm that fails to timely pay a fine
162 are automatically suspended until the fine is paid or waived,
163 and the authority or district shall promptly notify all affected
164 principals of each suspension and each reinstatement.

165 7. A fine imposed under this subsection which is not waived
166 by final order of the authority or district and which remains
167 unpaid more than 60 days after the notice of payment due or more
168 than 60 days after the authority or district renders a final
169 order on the lobbying firm's appeal may be recorded as a
170 judgment in the appropriate circuit court. The authority or
171 district may take any actions necessary to enforce the judgment.

172 (7) (a) Notwithstanding s. 112.3148, s. 112.3149, or any
173 other provision of law to the contrary, no lobbyist or principal
174 shall make, directly or indirectly, and no expressway authority,
175 independent special district, or port authority official,
176 member, or employee shall knowingly accept, directly or
177 indirectly, any expenditure.

178 (b) No person shall provide compensation for lobbying to an
179 individual or business entity that is not a lobbying firm.

180 (8) The commission has exclusive jurisdiction of complaints
181 alleging that a person covered by this section has failed to
182 register, has failed to submit a compensation report, has made
183 or received a prohibited expenditure, or has knowingly submitted
184 false information in any report or registration required under



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185 this section. The complaint proceedings must be conducted
186 pursuant to s. 112.324. The commission shall investigate any
187 lobbying firm, lobbyist, principal, agency, officer, or employee
188 upon receipt of information from a sworn complaint or from a
189 random audit of lobbying reports indicating a possible violation
190 other than a late-filed report.

191 (9) Any person who is required to be registered or to
192 provide information under this section or under procedures
193 established pursuant to this section and who knowingly fails to
194 disclose any material fact that is required by this section or
195 procedures established pursuant to this section, or who
196 knowingly provides false information on any report required by
197 this section or by procedures established pursuant to this
198 section, commits a noncriminal infraction, punishable by a fine
199 not to exceed \$5,000. Such penalty is in addition to any other
200 penalty assessed pursuant to subsection (8).

201 (10) If a person is uncertain about the applicability and
202 interpretation of this section, he or she may submit in writing
203 the facts of the situation to the commission with a request for
204 an advisory opinion to establish his or her standard of duty. An
205 advisory opinion shall be rendered by the commission and, until
206 amended or revoked, shall be binding on the conduct of the
207 person who sought the opinion, unless material facts were
208 omitted or misstated in the request.

209 (11) An expressway authority, independent special district,
210 or port authority shall be diligent to ascertain whether persons
211 required to register pursuant to this section have complied. An
212 authority or district may not knowingly authorize a person who
213 is not registered pursuant to this section to lobby the



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214 authority or district.

215 (12) Upon discovery of a violation of this section, an
216 expressway authority, an independent special district, a port
217 authority, or any person may file a sworn complaint with the
218 commission.

219 (13) An expressway authority, independent special district,
220 and port authority shall establish policies and procedures to
221 administer this section, including the forms for registration
222 and compensation reports and procedures for registration. All
223 policies and procedures adopted by an authority or district
224 shall be posted on the authority's or district's website or be
225 made available by regular mail or e-mail upon request.

226
227 ===== T I T L E A M E N D M E N T =====

228 And the title is amended as follows:

229 Delete lines 58 - 74

230 and insert:

231 from lobbying an expressway authority, independent
232 special district, or port authority until registering;
233 establishing registration requirements; requiring
234 public availability of lobbyist registrations;
235 establishing procedures for termination of a
236 lobbyist's registration; authorizing an authority or
237 district to establish a registration fee; establishing
238 requirements for quarterly compensation reports;
239 requiring an authority or district to establish
240 procedures with respect to the receipt of reports;
241 prohibiting lobbying expenditures; prohibiting
242 compensation to a firm not registered to lobby;



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243 providing for jurisdiction of complaints; providing a
244 penalty; authorizing a person to request an advisory
245 opinion from the commission; authorizing an authority,
246 district, or person to file a complaint; requiring an
247 authority or district to establish