

1                   A bill to be entitled  
2           An act relating to local government accountability;  
3           amending s. 112.3148, F.S.; revising the definition of  
4           the term "lobbyist"; repealing s. 112.3261, F.S.,  
5           relating to lobbying before water management  
6           districts; creating s. 112.3262, F.S.; providing  
7           definitions; requiring the Commission on Ethics to  
8           create a local government lobbyist registration  
9           system; preempting regulatory authority over certain  
10          lobbyist registration to the commission; providing  
11          exceptions; requiring lobbyists to register with the  
12          commission by a specified date; providing requirements  
13          for such registration; providing for an annual  
14          registration fee; requiring the commission to publish  
15          a lobbyist directory; providing requirements for  
16          cancellation of registration; providing for  
17          investigations, reports, and advisory opinions by the  
18          commission; providing for penalties; requiring certain  
19          governmental entities to conform to the lobbyist  
20          registration system; authorizing the commission to  
21          adopt rules and procedures; amending ss. 125.001 and  
22          166.0213, F.S.; requiring the governing body of a  
23          county or municipality to post certain information on  
24          its website in a specified time; providing a  
25          declaration of important state interest; providing an

26 |           effective date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

29 |

30 |           Section 1. Paragraph (b) of subsection (2) of section  
31 | 112.3148, Florida Statutes, is amended to read:

32 |           112.3148 Reporting and prohibited receipt of gifts by  
33 | individuals filing full or limited public disclosure of  
34 | financial interests and by procurement employees.—

35 |           (2) As used in this section:

36 |           (b)1. "Lobbyist" means any natural person who, for  
37 | compensation, seeks, or sought during the preceding 12 months,  
38 | to influence the governmental decisionmaking of a reporting  
39 | individual or procurement employee or his or her agency or  
40 | seeks, or sought during the preceding 12 months, to encourage  
41 | the passage, defeat, or modification of any proposal or  
42 | recommendation by the reporting individual or procurement  
43 | employee or his or her agency.

44 |           2. With respect to an agency that is a governmental entity  
45 | as defined in s. 112.3262 ~~has established by rule, ordinance, or~~  
46 | ~~law a registration process for persons seeking to influence~~  
47 | ~~decisionmaking or to encourage the passage, defeat, or~~  
48 | ~~modification of any proposal or recommendation by such agency or~~  
49 | ~~an employee or official of the agency,~~ the term "lobbyist"  
50 | includes only a person who is required to be registered as a

51 lobbyist in accordance with s. 112.3262 ~~such rule, ordinance, or~~  
52 ~~law~~ or who, was during the preceding 12 months, was required to  
53 be registered as a lobbyist in accordance with s. 112.3262 ~~such~~  
54 ~~rule, ordinance, or law~~. ~~At a minimum, such a registration~~  
55 ~~system must require the registration of, or must designate,~~  
56 ~~persons as "lobbyists" who engage in the same activities as~~  
57 ~~require registration to lobby the Legislature pursuant to s.~~  
58 ~~11.045.~~

59 Section 2. Section 112.3261, Florida Statutes, is  
60 repealed.

61 Section 3. Section 112.3262, Florida Statutes, is created  
62 to read:

63 112.3262 Lobbying before governmental entities.-

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

65 (a) "Governmental entity" or "entity" means a water  
66 management district created in s. 373.069 and operating under  
67 the authority of chapter 373; a hospital district, as defined in  
68 s. 121.051; a children's services district; an expressway  
69 authority operating under the authority of chapter 348; a port  
70 authority as defined in s. 315.02; or a county, municipality,  
71 school district, or special district.

72 (b) "Lobbying" means seeking, on behalf of another person,  
73 to influence a governmental entity with respect to a decision of  
74 the entity in an area of policy or procurement or an attempt to  
75 obtain the goodwill of an official or employee of a governmental

76 entity. The term does not include representing a client in any  
77 stage of applying for, or seeking approval of, an application  
78 for a license, permit, or waiver of a regulation or other  
79 administrative action, or opposition to such action, provided  
80 that such action does not require legislative discretion and is  
81 subject to judicial review by petitioning for writ of  
82 certiorari.

83 (c) "Lobbyist" means a person who is employed and receives  
84 payment, or who contracts for economic consideration, for the  
85 purpose of lobbying, or a person who is principally employed for  
86 governmental affairs by another person or governmental entity to  
87 lobby on behalf of such person or governmental entity. The term  
88 does not include a person who:

89 1. Represents a client in a judicial proceeding or in a  
90 formal administrative proceeding before a governmental entity;

91 2. Is an officer or employee of an agency acting in the  
92 normal course of his or her duties;

93 3. Consults under contract with the governmental entity  
94 and communicates with the entity's governing body or an employee  
95 of the entity's governing body regarding issues related to the  
96 scope of services in his or her contract;

97 4. Is an employee, officer, or board member of a  
98 homeowners' association, condominium association, or  
99 neighborhood association when addressing, in his or her capacity  
100 as an employee, officer, or board member of such association, an

101 issue impacting the association or its members;

102 5. Is a confidential informant who is providing, or wishes  
103 to provide, confidential information to be used for law  
104 enforcement purposes;

105 6. Is an expert witness who is retained or employed by an  
106 employer, principal, or client to provide only scientific,  
107 technical, or other specialized information for agenda materials  
108 or testimony only in public hearings, provided that the expert  
109 identifies such employer, principal, or client at such hearing;  
110 or

111 7. Seeks to procure a contract that is less than \$20,000  
112 or is a contract contemplated under s. 287.056.

113 (d) "Principal" has the same meaning as in s. 112.3215.

114 (e) "Principally employed for governmental affairs" means  
115 that one of the employee's principal or most significant  
116 responsibilities to the employer is overseeing the employer's  
117 various governmental relationships or representing the employer  
118 in interactions with an officer or employee of a governmental  
119 entity.

120 (2) The commission shall create the Local Government  
121 Lobbyist Registration System to register lobbyists who wish to  
122 lobby governmental entities as provided in this section.  
123 Beginning October 1, 2020, any governmental entity rule or  
124 ordinance that requires lobbyist registration is preempted and  
125 replaced by the registration system established by this

126 subsection. Additionally, a government entity may not require  
 127 classes or certifications or otherwise impose additional  
 128 requirements as a requisite for lobbyist registration. However,  
 129 in accordance with s. 112.326, a government entity may continue  
 130 to adopt rules or ordinances related to the following:

131 (a) Lobbyist compensation reporting.

132 (b) Disclosure of interactions between a lobbyist and an  
 133 officer or employee of a governmental entity.

134 (c) The exchange of money or other things of value between  
 135 a lobbyist and an officer or employee of a governmental entity.

136 (3) (a) Beginning October 1, 2020, a person may not lobby a  
 137 governmental entity until such person has electronically  
 138 registered as a lobbyist with the commission. Registration is  
 139 required upon initially being retained by a principal to lobby  
 140 and must be renewed annually. The registrant shall submit an  
 141 authorization form signed by the principal or the principal's  
 142 representative to the commission which contains the principal's  
 143 name, business address, e-mail address, and telephone number to  
 144 confirm that the registrant is authorized to represent the  
 145 principal. The principal or principal's representative shall  
 146 identify and designate, pursuant to the North American Industry  
 147 Classification System, the six digit numerical code that most  
 148 accurately describes its main business on the form.

149 (b) Each registrant must disclose, under oath, the  
 150 following information:

151 1. Full legal name, date of birth, e-mail address,  
152 telephone number, and business address.

153 2. Name, e-mail address, telephone number, and business  
154 address of each principal represented.

155 3. Name of each governmental entity the registrant lobbies  
156 or intends to lobby on behalf of the principal.

157 4. The existence of any direct or indirect business  
158 association, partnership, or financial relationship with an  
159 official or employee of a governmental entity with which he or  
160 she lobbies or intends to lobby.

161 (c) The commission may require separate registration  
162 submissions for each county and multi-county governmental  
163 entity, but each submission must include, without an additional  
164 fee, any governmental entity in the county for which the  
165 submission is made. The commission may allow for streamlined  
166 registration of all governmental entities.

167 (d) The registration process is not complete until the  
168 commission receives the authorization form required in paragraph  
169 (a) and the lobbyist registration fee.

170 (e) Any changes to the information required by this  
171 subsection must be disclosed within 15 days by filing a new  
172 registration form.

173 (4) The commission shall set the annual lobbyist  
174 registration fee by rule. Such fee may not exceed \$20 for each  
175 principal represented for one county and governmental entities

176 therein or one multi-county governmental entity, and may not  
177 exceed \$5 for each principal represented for each additional  
178 county and governmental entities therein or additional multi-  
179 county governmental entities.

180 (5) The commission shall publish a directory of all  
181 lobbyist registrations on its Internet website in an easily  
182 understood and accessible format.

183 (6) A lobbyist shall promptly send a written statement to  
184 the commission canceling the registration for a principal upon  
185 termination of the lobbyist's representation of that principal.  
186 The commission may cancel a lobbyist's designation of a  
187 principal if the principal notifies the commission that the  
188 lobbyist is no longer authorized to represent that principal.

189 (7) A governmental entity must use reasonable efforts to  
190 ascertain whether persons required to register under this  
191 section have complied. A governmental entity may not knowingly  
192 authorize a person who is not registered under this section to  
193 lobby the entity.

194 (8) (a) Upon discovery of a violation of this section, a  
195 person or governmental entity may file a sworn complaint with  
196 the commission. Except as provided in subsection (9), the  
197 commission shall investigate every sworn complaint that is filed  
198 which alleges that a person covered by this section has failed  
199 to register or has knowingly submitted false information in any  
200 registration required in this section.



201        (b)1. If the commission finds no probable cause to believe  
202 that a violation of this section has occurred, it shall dismiss  
203 the complaint and send a copy of the complaint, findings of the  
204 investigation, and a summary of the facts to the complainant and  
205 the alleged violator.

206        2. If the commission finds probable cause to believe that  
207 a violation of this section has occurred, it shall report the  
208 results of its investigation to the Governor and send, by  
209 certified mail, a copy of the report to the alleged violator.  
210 Any person whom the commission finds probable cause to believe  
211 has violated this section is entitled to a public hearing. Such  
212 person waives the right to a public hearing if the request to  
213 the Governor is not received within 14 days after the mailing of  
214 the probable cause report. However, the Governor may require a  
215 public hearing and may conduct further investigation as he or  
216 she deems necessary.

217        (c) If the Governor finds that a violation occurred, he or  
218 she may reprimand the violator, censure the violator, or assess  
219 a civil penalty against the violator in accordance with this  
220 section.

221        (9) Upon a first sworn complaint to the commission  
222 alleging a violation of subsection (3), or upon any complaint  
223 received before January 1, 2021, the commission shall, within 30  
224 days after receipt of the complaint, issue a warning letter to  
225 the alleged violator advising him or her to comply with this

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226 section and it shall dismiss the complaint.

227 (10) (a) Notwithstanding the civil penalties in s. 112.317,  
228 beginning January 1, 2021, a lobbyist found by the commission to  
229 have violated subsection (3) is subject to the following  
230 penalties:

231 1. For a first violation, a civil penalty not to exceed  
232 \$500.

233 2. For a second or any subsequent violation committed  
234 within 12 months after the Governor determines that a first  
235 violation has been committed, a civil penalty of at least \$200  
236 but not more than \$1,000, or a 1-year suspension from lobbying  
237 any governmental entity associated with the violation.

238 (b) In addition to the penalties in subparagraph (a)2., a  
239 governmental entity may impose additional civil penalties not to  
240 exceed \$500 per violation and, notwithstanding paragraph (c),  
241 may suspend the lobbyist from lobbying the governmental entity  
242 and its agencies on behalf of any principal for a period not to  
243 exceed 2 years.

244 (c) The civil penalties and suspensions provided in this  
245 subsection must be applied on a per principal basis with  
246 suspensions affecting only those principals for whom  
247 unregistered lobbying occurred.

248 (11) By January 1, 2021, a governmental entity's governing  
249 body, or the entity's designee, shall notify the commission of  
250 any ordinance or rule that imposes additional or more stringent

251 obligations with respect to lobbying activities authorized under  
252 paragraph (2) (a). The entity or the entity's designee shall send  
253 a copy of any form created to facilitate compliance with such  
254 ordinance or rule to the commission.

255 (12) By January 1, 2022, each governmental entity must  
256 conform its lobbyist registration system, if one exists, to  
257 accommodate regular digital distribution of lobbyist  
258 registration data from the commission to ensure that initial  
259 registration of a lobbyist under subsection (3) may be done  
260 through one lobbyist registration system. The commission shall  
261 cooperate to the extent reasonably practicable to ensure the  
262 coordination of such information.

263 (13) The commission may adopt rules to establish  
264 procedures to administer the Local Government Lobbyist  
265 Registration System, including, but not limited to, the adoption  
266 of forms, the method of registering specific entities lobbied,  
267 the method for annual renewal of registration, and the exchange  
268 of information with local governmental entities.

269 (14) Any person, when in doubt about the applicability and  
270 interpretation of this section, may submit in writing to the  
271 commission the facts of the situation with a request for an  
272 advisory opinion to establish the standard of duty. The  
273 commission shall render an advisory opinion and, until amended  
274 or revoked, such opinion is binding on the conduct of the person  
275 who sought the opinion, unless material facts were omitted or

276 misstated in the request.

277 Section 4. Section 125.001, Florida Statutes, is amended  
278 to read:

279 125.001 Board meetings; notice.—

280 (1) ~~Upon the giving of due public notice,~~ Regular and  
281 special meetings of the board may be held at any appropriate  
282 public place in the county. Except in the case of emergency  
283 meetings, the board shall provide notice of any meeting of the  
284 board on the county's official website not less than 7 days  
285 before the meeting. The notice must include a statement of the  
286 general subject matter to be considered by the board.

287 (2) The board may hold joint meetings with the governing  
288 body or bodies of one or more adjacent counties or  
289 municipalities to discuss matters regarding land development,  
290 economic development, or any other matters of mutual interest at  
291 any appropriate public place within the jurisdiction of any  
292 participating county or municipality only if the board provides  
293 ~~due~~ public notice as required in subsection (1) within the  
294 jurisdiction of all participating municipalities and counties.

295 (a) To participate in a joint public meeting, the  
296 governing body of a county or municipality must first adopt a  
297 resolution authorizing such participation.

298 (b) No official vote may be taken at a joint meeting.

299 (c) A joint meeting may not take the place of any public  
300 hearing required by law.

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301 Section 5. Subsection (3) is added to section 166.0213,  
302 Florida Statutes, to read:

303 166.0213 Governing body meetings.—

304 (3) Except in the case of emergency meetings, the governing  
305 body of a municipality shall provide notice of any meeting of  
306 the governing body on the municipality's official website not  
307 less than 7 days before the meeting. The notice must include a  
308 statement of the general subject matter to be considered by the  
309 governing body.

310 Section 6. The Legislature finds that a proper and  
311 legitimate state purpose is served when mechanisms are  
312 established to secure and sustain the public's trust in public  
313 officers and employees. Therefore, the Legislature determines  
314 and declares that this act fulfills and important state  
315 interest.

316 Section 7. This act shall take effect October 1, 2020.