

By Senator Perry

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1                   A bill to be entitled  
2       An act relating to local government accountability;  
3       amending s. 112.3148, F.S.; redefining the term  
4       "lobbyist" to conform to changes made by the act;  
5       repealing s. 112.3261, F.S., relating to registration  
6       of and reporting by water management district  
7       lobbyists; creating s. 112.3262, F.S.; defining terms;  
8       requiring the Commission on Ethics to create the Local  
9       Government Lobbyist Registration System; preempting  
10      local government rules or ordinances establishing a  
11      lobbyist registration system; authorizing governmental  
12      entities to adopt certain rules and ordinances;  
13      prohibiting a person from lobbying a governmental  
14      entity absent registration with the commission;  
15      specifying registration requirements; requiring the  
16      commission to publish a lobbyist directory;  
17      establishing procedures for the cancellation of a  
18      lobbyist's registration; requiring a governmental  
19      entity to monitor compliance with registration  
20      requirements; requiring the commission to investigate  
21      sworn complaints containing certain allegations;  
22      prescribing procedures for the disposition of  
23      complaints; specifying applicable penalties for  
24      violations; specifying required duties of governmental  
25      entities; authorizing the commission to adopt certain  
26      rules; authorizing an affected person to seek an  
27      advisory opinion from the commission; amending ss.  
28      125.001 and 166.0213, F.S.; requiring boards of county  
29      commissioners and governing bodies of municipalities,

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30           respectively, to provide notice of certain meetings in  
31           a specified manner; providing a declaration of  
32           important state interest; providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36           Section 1. Paragraph (b) of subsection (2) of section  
37           112.3148, Florida Statutes, is amended to read:

38           112.3148 Reporting and prohibited receipt of gifts by  
39           individuals filing full or limited public disclosure of  
40           financial interests and by procurement employees.—

41           (2) As used in this section:

42           (b)1. "Lobbyist" means any natural person who, for  
43           compensation, seeks, or sought during the preceding 12 months,  
44           to influence the governmental decisionmaking of a reporting  
45           individual or procurement employee or his or her agency or  
46           seeks, or sought during the preceding 12 months, to encourage  
47           the passage, defeat, or modification of any proposal or  
48           recommendation by the reporting individual or procurement  
49           employee or his or her agency.

50           2. With respect to an agency that is a governmental entity  
51           as defined in s. 112.3262 ~~has established by rule, ordinance, or~~  
52           ~~law a registration process for persons seeking to influence~~  
53           ~~decisionmaking or to encourage the passage, defeat, or~~  
54           ~~modification of any proposal or recommendation by such agency or~~  
55           ~~an employee or official of the agency, the term "lobbyist"~~  
56           includes only a person who is required to be registered as a  
57           lobbyist in accordance with s. 112.3262 ~~such rule, ordinance, or~~  
58           ~~law~~ or who, was during the preceding 12 months, was required to

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59 be registered as a lobbyist in accordance with s. 112.3262 ~~such~~  
60 ~~rule, ordinance, or law. At a minimum, such a registration~~  
61 ~~system must require the registration of, or must designate,~~  
62 ~~persons as "lobbyists" who engage in the same activities as~~  
63 ~~require registration to lobby the Legislature pursuant to s.~~  
64 ~~11.045.~~

65 Section 2. Section 112.3261, Florida Statutes, is repealed.

66 Section 3. Section 112.3262, Florida Statutes, is created  
67 to read:

68 112.3262 Lobbying before governmental entities.-

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

70 (a) "Governmental entity" or "entity" means a water  
71 management district created in s. 373.069 and operating under  
72 the authority of chapter 373, a hospital district, a children's  
73 services district, an expressway authority, a port authority as  
74 defined in s. 315.02, a county, a municipality, a school  
75 district, or a special district.

76 (b) "Lobbying" means seeking, on behalf of another person,  
77 to influence a governmental entity with respect to a decision of  
78 the entity in an area of policy or procurement or an attempt to  
79 obtain the goodwill of an official or employee of a governmental  
80 entity. The term does not include representing a client in any  
81 stage of applying for, or seeking approval of, an application  
82 for a license, permit, or waiver of a regulation or other  
83 administrative action, or opposition to such action, provided  
84 that such action does not require legislative discretion and is  
85 subject to judicial review by petitioning for writ of  
86 certiorari.

87 (c) "Lobbyist" means a person who is employed and receives

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88 payment, or who contracts for economic consideration, for the  
89 purpose of lobbying, or a person who is principally employed for  
90 governmental affairs by another person or governmental entity to  
91 lobby on behalf of such person or governmental entity. The term  
92 does not include a person who:

93 1. Represents a client in a judicial proceeding or in a  
94 formal administrative proceeding before a governmental entity.

95 2. Is an officer or employee of an agency acting in the  
96 normal course of his or her duties.

97 3. Consults under contract with the governmental entity and  
98 communicates with the entity's governing body or governing body  
99 employee regarding issues related to the scope of services in  
100 his or her contract.

101 4. Is an employee, an officer, or a board member of a  
102 homeowners' association, condominium association, or  
103 neighborhood association when addressing, in his or her capacity  
104 as an employee, an officer, or a board member of such  
105 association, an issue impacting the association or its members.

106 5. Is a confidential informant who is providing, or wishes  
107 to provide, confidential information to be used for law  
108 enforcement purposes.

109 6. Is an expert witness who is retained or employed by an  
110 employer, a principal, or a client to provide only scientific,  
111 technical, or other specialized information provided in agenda  
112 materials or testimony only in public hearings, provided that  
113 the expert identifies such employer, principal, or client at  
114 such hearing.

115 7. Seeks to procure a contract that is less than \$20,000 or  
116 a contract made pursuant s. 287.056.

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

118 (e) "Principally employed for governmental affairs" means  
119 that one of the employee's principal or most significant  
120 responsibilities to the employer is overseeing the employer's  
121 various governmental relationships or representing the employer  
122 in its contacts made with an officer or employee of a  
123 governmental entity.

124 (2) The Commission on Ethics shall create the Local  
125 Government Lobbyist Registration System to register lobbyists  
126 who wish to lobby governmental entities as provided in this  
127 section. Beginning October 1, 2020, any governmental entity rule  
128 or ordinance that requires lobbyist registration is preempted  
129 and replaced by the registration system established by this  
130 subsection. Additionally, a governmental entity may not require  
131 classes or certifications or otherwise impose additional  
132 requirements as a requisite for lobbyist registration. However,  
133 in accordance with s. 112.326, a governmental entity may adopt a  
134 rule or an ordinance to require compensation reporting and  
135 disclosure of contacts that a lobbyist has made with an officer  
136 or employee of a governmental entity and to restrict exchange of  
137 money or other things of value between a lobbyist and officers  
138 or employees of a governmental entity.

139 (3) Beginning October 1, 2020, a person may not lobby a  
140 governmental entity until such person has electronically  
141 registered as a lobbyist with the commission. Such initial  
142 registration is due upon the person being retained to lobby and  
143 is renewable annually on the anniversary of the lobbyist's  
144 registration or in the month of the lobbyist's birth, as  
145 selected by the lobbyist at the time of registration. The

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146 commission shall request authorization from the principal using  
147 the principal's name, business address, e-mail address, and  
148 telephone number to confirm that the registrant is authorized to  
149 represent the principal. The principal or principal's  
150 representative shall identify and designate its main business  
151 pursuant to the North American Industry Classification System  
152 (NAICS) six-digit numerical code that most accurately describes  
153 its main business. Registration is incomplete until the  
154 commission receives the principal's authorization. Any changes  
155 to the information required by this subsection must be disclosed  
156 within 15 days after such change by the lobbyist updating his or  
157 her registration. The commission may require separate  
158 registration submissions for each county and multi-county  
159 governmental entity, but each such submission must include any  
160 governmental entity in the county for which the submission is  
161 made. The commission may allow for streamlined registration for  
162 all governmental entities. A person required to register as a  
163 lobbyist under this subsection shall register through the  
164 electronic system and shall attest to the following:

165 (a) His or her full legal name, birth month, e-mail  
166 address, telephone number, and business address.

167 (b) The name, e-mail address, telephone number, and  
168 business address of each principal represented.

169 (c) The name of each governmental entity lobbied or  
170 intended to be lobbied on behalf of the principal.

171 (d) Any direct or indirect business association,  
172 partnership, or financial relationship with an official or  
173 employee of a governmental entity lobbied or intended to be  
174 lobbied on behalf of the principal.

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175       (4) The commission shall publish on the Internet a lobbyist  
176 directory that contains all lobbyist registrations.

177       (5) A lobbyist shall promptly provide a written statement  
178 to the commission canceling the designation of a principal upon  
179 termination of such representation. The commission may cancel a  
180 lobbyist's designation of a principal upon receipt of  
181 notification by the principal that the lobbyist is no longer  
182 authorized to represent such principal.

183       (6) A governmental entity must make reasonable efforts to  
184 ascertain whether a person who lobbies that entity has  
185 registered pursuant to this section. A governmental entity may  
186 not knowingly authorize an unregistered lobbyist to lobby the  
187 entity.

188       (7) (a) Upon discovery of a violation of this section, a  
189 person or governmental entity may file a sworn complaint with  
190 the commission. Except as provided in subsection (8), the  
191 commission shall investigate every sworn complaint that is filed  
192 which alleges that a person covered by this section has failed  
193 to register or has knowingly submitted false information in any  
194 registration required in this section.

195       (b) If the commission finds no probable cause to believe  
196 that a violation of this section has occurred, it shall dismiss  
197 the complaint and send a copy of the complaint, findings, and  
198 summary to the complainant and the alleged violator. If the  
199 commission finds probable cause to believe that a violation of  
200 this section has occurred, it shall report the results of its  
201 investigation to the Governor and send, by certified mail, a  
202 copy of the report to the alleged violator. A person who the  
203 commission finds probable cause to believe has violated this

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204 section is entitled to a public hearing upon timely submission  
205 of a written request for a hearing to the Governor. Such person  
206 is deemed to have waived his or her right to a public hearing if  
207 the request is not received within 14 days after a copy of the  
208 report is mailed to him or her. However, the Governor may  
209 require a public hearing and may conduct such further  
210 investigation as he or she deems necessary.

211 (c) If the Governor determines that a violation occurred,  
212 he or she may reprimand, censure, or assess a civil penalty  
213 against the violator in accordance with this section.

214 (8) (a) Upon a first complaint to the commission alleging a  
215 violation of subsection (3) against a lobbyist, or upon any  
216 complaint against a lobbyist received before January 1, 2021,  
217 the commission shall, within 30 days after receipt of the  
218 complaint, issue a warning letter to the lobbyist directing him  
219 or her to consult the obligations of lobbyists under this  
220 section and shall dismiss the complaint.

221 (b) For complaints against a lobbyist received on or after  
222 January 1, 2021, notwithstanding the civil penalties in s.  
223 112.317, a lobbyist found by the commission to have violated  
224 subsection (3) is subject to:

225 1. For a first violation, a civil penalty not to exceed  
226 \$500.

227 2. For a second or subsequent violation committed within 12  
228 months after the Governor determines that a first violation has  
229 been committed, a civil penalty of at least \$200 but not more  
230 than \$1,000 or a 1-year suspension from lobbying any  
231 governmental entity associated with the violation. A  
232 governmental entity may impose additional civil penalties not to



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233 exceed \$500 per violation, and, notwithstanding paragraph (c),  
234 may suspend the lobbyist from lobbying the governmental entity  
235 and its agencies on behalf of any principal for a period of up  
236 to 2 years.

237 (c) The civil penalties and suspensions provided in this  
238 subsection must be applied on a per-principal basis with  
239 suspensions affecting only those principals for whom  
240 unregistered lobbying occurred.

241 (9) By January 1, 2021, a governmental entity's governing  
242 body, or the entity's designee, shall notify the commission of  
243 any ordinance or rule that imposes additional or more stringent  
244 obligations with respect to lobbyist compensation reporting, or  
245 other conduct involving lobbying activities, and shall forward  
246 to the commission a copy of any associated form that has been  
247 established to facilitate compliance with such ordinance or  
248 rule. By January 1, 2022, each governmental entity shall conform  
249 its lobbyist regulation system, if any, to accommodate regular  
250 digital distribution of lobbyist registration data from the  
251 commission so that initial registration of a lobbyist pursuant  
252 to subsection (3) is accomplished without having to supply the  
253 lobbyist and principal information to more than one lobbyist  
254 regulation system. The commission shall cooperate to the extent  
255 reasonably practicable to ensure such coordination of  
256 information.

257 (10) The commission may adopt rules to establish procedures  
258 for the administration of the Local Government Lobbyist  
259 Registration System, including the staggering of registration  
260 renewal dates based on the anniversary of the lobbyist's  
261 registration or the month of the lobbyist's birth, as selected

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262 by the lobbyist at the time of registration, and for the  
263 adoption of forms, the method of registering specific entities  
264 lobbied, and the exchange of information with governmental  
265 entities.

266 (11) A person, when in doubt about the applicability and  
267 interpretation of this section, may submit in writing to the  
268 commission the facts of the situation with a request for an  
269 advisory opinion to establish the standard of duty. An advisory  
270 opinion shall be rendered by the commission and, until amended  
271 or revoked, is binding on the conduct of the person who sought  
272 the opinion, unless material facts were omitted or misstated in  
273 the request.

274 Section 4. Subsection (1) of section 125.001, Florida  
275 Statutes, is amended to read:

276 125.001 Board meetings; notice.—

277 (1) Upon the giving of due public notice, regular and  
278 special meetings of the board may be held at any appropriate  
279 public place in the county. Except in the case of emergency  
280 meetings, the board shall provide notice of any meeting of the  
281 board at least 7 days in advance by posting a notice on the  
282 county's website. Additionally, the notice must include a  
283 statement of the general subject matter to be considered by the  
284 board.

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

287 166.0213 Governing body meetings.—

288 (3) Except in the case of emergency meetings, the governing  
289 body of a municipality shall provide notice of any meeting of  
290 the governing body at least 7 days in advance by posting a

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291 notice on the municipality's website. Additionally, the notice  
292 must include a statement of the general subject matter to be  
293 considered by the governing body.

294 Section 6. The Legislature finds that a proper and  
295 legitimate state purpose is served when mechanisms are  
296 established to secure and sustain the public's trust in public  
297 officers and employees. Therefore, the Legislature determines  
298 and declares that this act fulfills an important state interest.

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