

## CHAPTER 2012-51

### Senate Bill No. 2058

An act relating to the Office of Legislative Services; amending ss. 11.045, 11.0455, and 112.3148, F.S.; providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; amending s. 11.242, F.S.; requiring that certain content relating to the published edition of the Florida Statutes be determined by the office rather than by the Division of Statutory Revision within the office; amending s. 119.15, F.S.; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal; providing an effective date.

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

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

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

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

~~(h)(e)~~ “Office Division” means the ~~Division of Legislative Information Services within the~~ Office of Legislative Services.

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

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

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

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

(g)(h) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

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

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

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

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

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

b. Name of each of the firm’s lobbyists; and

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

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

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

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to

\$49,999; or \$50,000 or more. If the category “\$50,000 or more” is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

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

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

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

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

(b) For each principal represented by more than one lobbying firm, the office division shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

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

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

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

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

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

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

4. A fine may shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the

lobbying firm is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

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

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

7. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the office ~~division~~ shall promptly notify all affected principals of any suspension or reinstatement.

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

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

11.0455 Electronic filing of compensation reports and other information.

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

(4) Each report filed pursuant to this section is deemed ~~considered~~ to meet the certification requirements of s. 11.045(3)(a)4., and as such subjects the person responsible for filing and the lobbying firm to the provisions of s.

11.045(7) and (8). Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the office ~~division~~ that their credentials have been compromised.

(5) The electronic filing system developed by the office ~~division~~ must:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift that ~~which~~ the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the ~~Division of Legislative Information Services in the~~ Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, ~~if~~ when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

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

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

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

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

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

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.