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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2014	.	
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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