A bill to be entitled
An act relating to local government accountability;
amending s. 112.3148, F.S.; revising the definition of
the term "lobbyist"; repealing s. 112.3261, F.S.,
relating to lobbying before water management
districts; creating s. 112.3262, F.S.; providing
definitions; requiring the Commission on Ethics to
create a local government lobbyist registration
system; preempting regulatory authority over certain
lobbyist registration to the commission; providing
exceptions; requiring lobbyists to register with the
commission by a specified date; providing requirements
for such registration; providing for an annual
registration fee; requiring the commission to publish
a lobbyist directory; providing requirements for
cancellation of registration; providing for
investigations, reports, and advisory opinions by the
commission; providing for penalties; requiring certain
governmental entities to conform to the lobbyist
registration system; authorizing the commission to
adopt rules and procedures; amending ss. 125.001 and
166.0213, F.S.; requiring the governing body of a
county or municipality to post certain information on
its website in a specified time; providing a
declaration of important state interest; providing an

CODING: Words **stricken** are deletions; words *underlined* are additions.

hb0611-00
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (2) 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.—

(2) As used in this section:

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

2. With respect to an agency that is a governmental entity as defined in s. 112.3262 has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a
lobbyist in accordance with s. 112.3262 such rule, ordinance, or law or who, was during the preceding 12 months, was required to be registered as a lobbyist in accordance with s. 112.3262 such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

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

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

112.3262 Lobbying before governmental entities.—
(1) As used in this section, the term:
(a) "Governmental entity" or "entity" means a water management district created in s. 373.069 and operating under the authority of chapter 373; a hospital district, as defined in s. 121.051; a children's services district; an expressway authority operating under the authority of chapter 348; a port authority as defined in s. 315.02; or a county, municipality, school district, or special district.
(b) "Lobbying" means seeking, on behalf of another person, to influence a governmental entity with respect to a decision of the entity in an area of policy or procurement or an attempt to obtain the goodwill of an official or employee of a governmental
entity. The term does not include representing a client in any stage of applying for, or seeking approval of, an application for a license, permit, or waiver of a regulation or other administrative action, or opposition to such action, provided that such action does not require legislative discretion and is subject to judicial review by petitioning for writ of certiorari.

(c) "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 such person or governmental entity. The term does not include a person who:

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

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

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

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

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

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

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

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

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

(2) The commission shall create the Local Government Lobbyist Registration System to register lobbyists who wish to lobby governmental entities as provided in this section. Beginning October 1, 2020, any governmental entity rule or ordinance that requires lobbyist registration is preempted and replaced by the registration system established by this
subsection. Additionally, a government entity may not require
classes or certifications or otherwise impose additional
requirements as a requisite for lobbyist registration. However,
in accordance with s. 112.326, a government entity may continue
to adopt rules or ordinances related to the following:

(a) Lobbyist compensation reporting.

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

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

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

(b) Each registrant must disclose, under oath, the
following information:
1. Full legal name, date of birth, e-mail address, telephone number, and business address.

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

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

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

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

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

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

(4) The commission shall set the annual lobbyist registration fee by rule. Such fee may not exceed $20 for each principal represented for one county and governmental entities.
therein or one multi-county governmental entity, and may not exceed $5 for each principal represented for each additional county and governmental entities therein or additional multi-county governmental entities.

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

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

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

(8)(a) Upon discovery of a violation of this section, a person or governmental entity may file a sworn complaint with the commission. Except as provided in subsection (9), the commission shall investigate every sworn complaint that is filed which alleges that a person covered by this section has failed to register or has knowingly submitted false information in any registration required in this section.
(b)1. If the commission finds no probable cause to believe that a violation of this section has occurred, it shall dismiss the complaint and send a copy of the complaint, findings of the investigation, and a summary of the facts to the complainant and the alleged violator.

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

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

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

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

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

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

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

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

(11) By January 1, 2021, a governmental entity's governing body, or the entity's designee, shall notify the commission of any ordinance or rule that imposes additional or more stringent
obligations with respect to lobbying activities authorized under paragraph (2)(a). The entity or the entity's designee shall send a copy of any form created to facilitate compliance with such ordinance or rule to the commission.

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

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

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

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

125.001 Board meetings; notice.—

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

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

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

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

(c) A joint meeting may not take the place of any public hearing required by law.
Section 5. Subsection (3) is added to section 166.0213, Florida Statutes, to read:

166.0213 Governing body meetings.—
(3) Except in the case of emergency meetings, the governing body of a municipality shall provide notice of any meeting of the governing body on the municipality's official website not less than 7 days before the meeting. The notice must include a statement of the general subject matter to be considered by the governing body.

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

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