A bill to be entitled
An act relating to local government accountability;
amending s. 112.3148, F.S.; redefining the term
“lobbyist” to conform to changes made by the act;
repealing s. 112.3261, F.S., relating to registration
of and reporting by water management district
lobbyists; creating s. 112.3262, F.S.; defining terms;
requiring the Commission on Ethics to create the Local
Government Lobbyist Registration System; preempting
local government rules or ordinances establishing a
lobbyist registration system; authorizing governmental
entities to adopt certain rules and ordinances;
prohibiting a person from lobbying a governmental
entity absent registration with the commission;
specifying registration requirements; requiring the
commission to publish a lobbyist directory;
establishing procedures for the cancellation of a
lobbyist’s registration; requiring a governmental
entity to monitor compliance with registration
requirements; requiring the commission to investigate
sworn complaints containing certain allegations;
prescribing procedures for the disposition of
complaints; specifying applicable penalties for
violations; specifying required duties of governmental
entities; authorizing the commission to adopt certain
rules; authorizing an affected person to seek an
advisory opinion from the commission; amending ss.
125.001 and 166.0213, F.S.; requiring boards of county
commissioners and governing bodies of municipalities,
respectively, to provide notice of certain meetings in a specified manner; providing a declaration of important state interest; providing an effective date.

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, a children’s
services district, an expressway authority, a port authority as
defined in s. 315.02, a county, a municipality, a school
district, or a 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 governing body 
employee regarding issues related to the scope of services in 
his or her contract. 
4. Is an employee, an officer, or a board member of a 
homeowners’ association, condominium association, or 
neighborhood association when addressing, in his or her capacity 
as an employee, an officer, or a 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, a principal, or a client to provide only scientific, 
technical, or other specialized information provided in agenda 
materials or testimony only in public hearings, provided that 
the expert identifies such employer, principal, or client at 
such hearing. 
7. Seeks to procure a contract that is less than $20,000 or 
a contract made pursuant 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 its contacts made with an officer or employee of a governmental entity.

(2) The Commission on Ethics 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 governmental 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 governmental entity may adopt a rule or an ordinance to require compensation reporting and disclosure of contacts that a lobbyist has made with an officer or employee of a governmental entity and to restrict exchange of money or other things of value between a lobbyist and officers or employees of a governmental entity.

(3) Beginning October 1, 2020, a person may not lobby a governmental entity until such person has electronically registered as a lobbyist with the commission. Such initial registration is due upon the person being retained to lobby and is renewable annually on the anniversary of the lobbyist’s registration or in the month of the lobbyist’s birth, as selected by the lobbyist at the time of registration. The
commission shall request authorization from the principal using 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 its main business pursuant to the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes its main business. Registration is incomplete until the commission receives the principal’s authorization. Any changes to the information required by this subsection must be disclosed within 15 days after such change by the lobbyist updating his or her registration. The commission may require separate registration submissions for each county and multi-county governmental entity, but each such submission must include any governmental entity in the county for which the submission is made. The commission may allow for streamlined registration for all governmental entities. A person required to register as a lobbyist under this subsection shall register through the electronic system and shall attest to the following:

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

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

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

(d) Any direct or indirect business association, partnership, or financial relationship with an official or employee of a governmental entity lobbied or intended to be lobbied on behalf of the principal.
(4) The commission shall publish on the Internet a lobbyist directory that contains all lobbyist registrations.

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

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

(7)(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 (8), 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) 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, and summary to the complainant and the alleged violator. 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. A person who the commission finds probable cause to believe has violated this
section is entitled to a public hearing upon timely submission of a written request for a hearing to the Governor. Such person is deemed to have waived his or her right to a public hearing if the request is not received within 14 days after a copy of the report is mailed to him or her. However, the Governor may require a public hearing and may conduct such further investigation as he or she deems necessary.

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

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

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

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

2. For a second or 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. 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 of up
to 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.

(9) 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 lobbyist compensation reporting, or
other conduct involving lobbying activities, and shall forward
to the commission a copy of any associated form that has been
established to facilitate compliance with such ordinance or
rule. By January 1, 2022, each governmental entity shall conform
its lobbyist regulation system, if any, to accommodate regular
digital distribution of lobbyist registration data from the
commission so that initial registration of a lobbyist pursuant
to subsection (3) is accomplished without having to supply the
lobbyist and principal information to more than one lobbyist
regulation system. The commission shall cooperate to the extent
reasonably practicable to ensure such coordination of
information.

(10) The commission may adopt rules to establish procedures
for the administration of the Local Government Lobbyist
Registration System, including the staggering of registration
renewal dates based on the anniversary of the lobbyist’s
registration or the month of the lobbyist’s birth, as selected
by the lobbyist at the time of registration, and for the
adoption of forms, the method of registering specific entities
lobbied, and the exchange of information with governmental
entities.

(11) A 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. An advisory
opinion shall be rendered by the commission and, until amended
or revoked, is binding on the conduct of the person who sought
the opinion, unless material facts were omitted or misstated in
the request.

Section 4. Subsection (1) of 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 at least 7 days in advance by posting a notice on the
county’s website. Additionally, the notice must include a
statement of the general subject matter to be considered by the
board.

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 at least 7 days in advance by posting a
notice on the municipality’s website. Additionally, 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 an important state interest.

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