

Additional Lobbying Activities Guidance

Pursuant to Section 6 of Chapter 2014-183, Laws of Florida, starting July 1, 2014, a person may not lobby a water management district until such person has registered with that district. A person wanting to lobby the Southwest Florida Water Management District is urged to read the full text of the new law and other referenced sections. The Southwest Florida Water Management District cannot provide legal advice or guidance in this matter.

Definitions

- “Lobbies” means seeking, on behalf of another person, to influence a district with respect to a decision of the district in an area of policy or procurement or an attempt to obtain the goodwill of a district official or employee. The term “lobbies” shall be interpreted and applied consistently with the rules of the Commission on Ethics. (Section 112.3261(1)(b), Florida Statutes (F.S.))
- “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. (Section 112.3215(1)(h), F.S.)
- “Lobbyist” does not include:
 1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
 2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
 3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
 4. A person who lobbies to procure a contract whose value is less than \$20,000 (Section 112.3215(1)(h), F.S.)

The below examples are provided in the Executive Branch Lobbyist Registration Rule (Chapter 34-12, Florida Administrative Code (F.A.C.)) and are intended for further guidance.

- “Lobbying activities” as described by the Commission on Ethics with respect to the Executive Branch include:
 1. The representation of a client in communications with the Office of the Governor with respect to legislative matters.
 2. Seeking to influence the content of an agency’s request for proposals or specifications for the purchase of goods or services on behalf of another person or governmental entity, unless in regard to the category of purchases described in Rule 34-12.150, F.A.C.
 3. Seeking to influence the priority given by an agency to the purchase of land or to a construction project on behalf of another person or governmental entity.
 4. Seeking to influence an agency’s decision regarding a proposed rule in behalf of a client through communications with agency personnel outside of a publicly noticed agency hearing or workshop.
 5. Seeking to influence an agency in behalf of a person or governmental entity with respect to policies of the agency. (Rule 34-12.160, F.A.C.)

- “Lobbying” activities as described by the Commission on Ethics with respect to the Executive Branch do not include:
 1. Participation at a bid conference held by an agency after bid specifications have been set and announced by the agency.
 2. The mere submission of a bid or proposal in response to an agency’s solicitation of bids or request for proposals.
 3. A request for information about an agency’s procedures, forms, budget, budget proposal, programs, or other requirements in behalf of another.
 4. Appearances before an agency and communications with an agency which are initiated by the agency’s request, such as a response to an agency’s request for information, an appearance in response to an agency subpoena, or a quotation of prices or description of materials or services available in response to an agency’s inquiry.
 5. Advice or services communicated to an agency which arise out of an existing contractual obligation to the agency to render the advice or services provided.
 6. Representation of a client before an agency where the agency’s decision relates to the grant or denial of a permit, license, or certification, or may result in an order imposing or recommending the imposition of disciplinary action against the client.
 7. Representation of a client at a publicly noticed hearing or workshop conducted by an agency regarding a proposed agency rule.
 8. Representation of a person before an agency where the person provides only reimbursement for actual travel, lodging, and meal expenses, rather than compensation, remuneration, or a commission for the representation.
 9. Communications with an agency by an expert consultant retained by a person to gather, analyze, or disseminate information required by the agency, when made in connection with the person’s application for a permit, license, or certification. (Rule 34-12.170, F.A.C.)

- For further details, please see Section 112.3261, F.S.