

Public Integrity & Ethics Committee

ALL QUESTIONS ABOUT HOUSE DISCLOSURE RULES MAY BE ADDRESSED TO:

LobbyistDisclosure@MyFloridaHouse.gov

QUESTIONS FROM THOSE VIEWING LIVESTREAM OF THIS PRESENTATION MAY ALSO BE DIRECTED TO THIS ADDRESS TONIGHT.

FAQs ARE AVAILABLE ON HOUSE WEBSITE

Preliminary Matters

- Purpose of Disclosure Rules
 - Mere notice of lobbying
 - NOT gotcha or punishment
- Definitions in Joint Rule 1.1 control:
 - WHO is a LOBBYIST
 - WHAT constitutes LOBBYING
- Lobbyists must register with the Lobbyist Registration Office in the Office of Legislative Services, a joint administrative division of the Florida Legislature
- Anyone in doubt about their duties under J.R. 1.1 may obtain an opinion from OLS
- Only registered lobbyist may submit disclosures to the House
- Everyone may review and download the disclosures on the Lobbyist Disclosure webpage

Lobbyists

J.R. 1.1 definitions decide many questions:

- Only lobbyists required to register under Joint Rule 1.1, are bound by Rule Seventeen.
- “Lobbyist” is defined in J.R. 1.1(2)(e) and certain exclusions are found at J.R. 1.1(4), notably:
 - Elected officers of the state and political subdivisions
 - A person appearing as a witness or for providing information at the written request of a committee or delegation chair.

Lobbying

- If a communication does not amount to lobbying, that communication is not regulated by Rule 17.1(h).
- “Lobbying” is defined in J.R. 1.1(2)(c) and certain exclusions are found at J.R. 1.1(3), notably:
 - An appearance pursuant to a subpoena
 - Advising a legislative entity or member under a contract with that entity to provide such service.
 - A response to an inquiry for information made by a member, committee or staff

[THIS WILL BE DISCUSSED LATER]

New Conduct Standards for Lobbyists in the House

- **Rule 17.1(a) demands supporting a professional environment in the House**
- **Rule 17.1(f) prohibiting electronic communications**
- **Rule Fifteen has new limits on members' self interested behaviors:**
 - **No flying on lobbyists' or principals' planes**
 - **No business partnerships with lobbyists**
 - **No solicitation of employment or investment advice**

Rule 17.1 Disclosures: Contracts

- Rule 17.1(i) requires contract disclosure of copy of any lobbying contract:
 - With public or quasi-public entity as principal
 - To lobby either Legislature OR Executive Branch
 - When the lobbyist registers to represent that principal
- Submit a copy to the Public Integrity & Ethics Committee at LobbyistDisclosure@MyFloridaHouse.gov

Most contracts due when registering with Legislature for 2017, and all later covered principals.

WILL COVER DETAILS LATER, if time allows

Rule 17.1 Disclosures: Issues

- **Rule 17.1(h) requires disclosure of:**
 - **issues,**
 - **bills,**
 - **amendments and**
 - **specific appropriations**
- **BEFORE a registered lobbyist may lobby for a principal on the issue, bill, amendment or specific appropriation.**
- **Disclosure of an issue must provide “specificity sufficient to give notice of each particular” subject or proposal being lobbied**
- **Disclose through the Lobbyist Disclosure webpage**
- **Disclose an issue only once per legislative year**

CONTRARY TO COMMON FEARS:

Rule 17.1(h) does NOT require disclosure of:

- **Specific meetings**
- **Persons lobbied**
- **Client positions on bills or issues**
- **Renewed disclosure of an issue between Regular Session and any special session**

Special Session Bill Numbers are new and should be disclosed

Extended Sessions retain Bill Numbers from existing session

Specificity of Issue Disclosure

“specificity sufficient to give notice” will be interpreted according to:

Common sense:

- Do the disclosure and subsequent lobbying correlate?
- Can you recognize the issue disclosure in the lobbying contact?
- Can you correlate each component of your lobbying with respect to proposed or pending legislation with an issue disclosed in advance?

Title Doctrine:

- Bill titles must provide sufficient notice to interested parties of the contents of a bill.
Art. III, Sec. 6, Fl. Const. (and interpreting case law)

We will assist but not argue, encourage greater specificity when it seems insufficient

Specificity, cont'd

Reference to official documents submitted to the Legislature

- Agency lobbyist reference the agency Legislative Budget Request
- Governor's Chief of Staff referencing the Governor's Budget (submitted)
- Court Clerks' Association referencing "local court budget items in Governor's Budget"
- Items in a published House or Conference Budget may identified by line number or category if entire category is being lobbied

ITEMS NOT INCLUDED MAY NOT BE SO REFERENCED:

- Proposal for *inclusion* in House Budget should be specified as any other issue
- Applies to anything NOT already included in a published PCB, Bill or Official Budget document
- Such proposals should be disclosed BEFORE a member (or staff) is asked to include it

Specificity and Bill Numbers

- Bill Numbers will often be sufficient for lobbying the bill after filing
- A Bill Number covers:
 - Amendments FILED on the bill
 - All subsequent versions of the bill
 - Senate amendments returning with the House Bill.
- Submission of a companion bill number covers all versions of that bill

NOTE: If the companion is filed or identified only after you submit the House Bill, you may simply submit the Senate Bill number when you know it, or resubmit the House Bill with the companion number.

“Large Bill” Numbers Don’t Disclose

- “GAA” or HB 5001 (the GAA bill number) is not sufficient disclosure
 - Each specific appropriation should be disclosed
 - Any item subject to a line item veto is a specific appropriation
- Bill Number should be *supplemented* by specified issues lobbied
 - A large reform or revision bill
 - Agency “package”

Unless you represent:

- the agency proposing the entire package or
- a principal that is the subject of the entire package

Large Bills, cont'd

Bill Numbers WILL cover all filed amendments while pending, BUT

- Update your issue disclosures respecting a Large Bill if:
 - You propose or ask for an amendment addressing issues not previously disclosed
 - An adopted amendment expands your issues beyond previously disclosed issues in the bill

Proposing Amendments

A submitted Bill Number does NOT cover

ANY amendment you intend to suggest, request or propose

IF it would add any issues to the bill

- You must disclose such issues BEFORE you lobby for the amendment
- If the amendment should include a title amendment: DISCLOSE before asking

SIMPLE GUIDE

If you propose it,
it should be disclosed
before you discuss it,
before it shows up
in any draft of a bill or amendment,
long before it is filed in the House.

If others propose, disclose by number.

OVERDISCLOSURE IS NON-DISCLOSURE

Lobbyists have a duty of candor and honesty (H.R. 17.1(a) and (b))

Listing every bill?

- A fictitious response
- Hides the bills you are lobbying
- Calls attention to the one doing so
- Fills the House data set with garbage

Disclose BEFORE Lobbying

Lobbying is any contact with House members or staff regarding a client's issue

- NOT “meet and greet”, introduction without substantive discussion
- NOT “hello” in passing at Andrews, Clyde's, or an FSU or FAMU basketball game
- NOT mailing a congratulations note or campaign contribution (provided no substantive issue information provided)
- NOT all “lobbying” to build goodwill is lobbying an issue

BEFORE lobbying does NOT mean before *every* meeting on the issue
BUT *prior to the onset of lobbying the issue*

Monitoring and Tracking Bills

“Monitoring” and “tracking” legislation is NOT lobbying

You do not “lobby...with respect to any issue...” unless and until you communicate with House members or staff about the issue.

What Happens IF???

A member grabs a lobbyist in the hall and asks your position on an issue:

- If you foresee the issue, disclose first if you intended to lobby the issue.
- If it surprises you, let the member know you are not free to discuss **because of the requirements of Rule 17.1(h)**
- If the member is impatient with your respect for the rule **feel free to admonish their discourtesy**

*After any inadvertent discussion,
please submit a disclosure immediately.*

What Happens IF??

An amendment is offered in committee that you did not anticipate?

- If the amendment raises no new issue: nothing to disclose
- The House Committee Appearance Record will cover public comments in the committee meeting

(If you speak, you should disclose the issue online afterward)

- If the amendment is adopted and will be engrossed into the Committee Substitute, your prior bill disclosure will incorporate that change*
- If the amendment is defeated
 - Really dead: no further disclosure is needed
 - Only “mostly dead”: disclose the issue if it is undisclosed

*Remember “Large Bill” principles

INSUFFICIENT DISCLOSURES:

Do NOT submit “BUDGET:” “Budgeting issues”

- “Budgeting issues” or “Appropriations” do not disclose anything
 - To lobby on a specific line item or line items DISCLOSE those items

Do you intend to ask for or support a project bill on behalf of a client?

- Do NOT disclose “appropriations for [client]”
 - Identify the specific project BEFORE you ask for the bill OR
 - Disclose the specific project when you know it’s been requested.

If you mean “appropriations issues directly affecting [CLIENT] or [INDUSTRY] or {PROGRAM}” disclose as much specifying particular issues when known

If the member does not recognize in your prior disclosure the content of your meeting with her, you did not disclose with sufficient specificity.

INSUFFICIENT DISCLOSURES:

Do NOT list general topics such as health care you are monitoring or tracking

Asking questions of members or staff with no advocacy agenda is not lobbying

However these are lobbying:

- Asking if a proposal would be germane to a bill, or
- Expressing interest about specific bills being on an agenda or Special Order

Simple Guide (Disclosure Rule):

Until you become interested in the promotion or modification of or opposition to legislation or possible legislation proposed by anyone or pending in the House or Senate, you are not lobbying an issue.

INSUFFICIENT DISCLOSURE:

Form “CATEGORIES” are NOT disclosures. Do NOT rely on them!

Categories are only:

- Useful to index issue disclosures by very general topic
- Topics used to classify bills in House End of Session Summary

Correlation with End of Session Summary will allow anyone to compare a lobbyist’s issue listings against the bills that pass in 2017.

Only a willful category misrepresentation will impact compliance

QUESTIONS: ISSUE DISCLOSURE

LobbyistDisclosure@MyFloridaHouse.gov

Form Troubleshooting

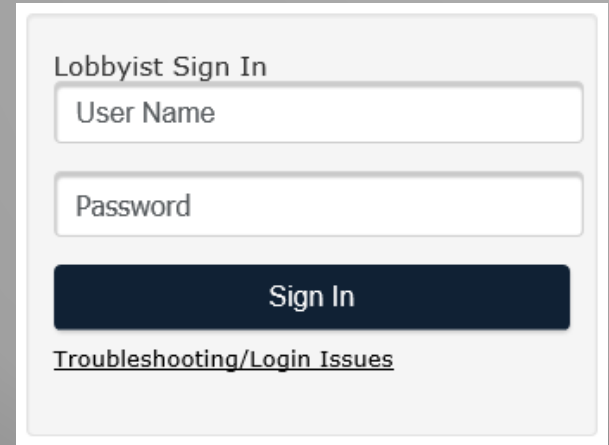
The screenshot displays the Florida House of Representatives website interface. At the top, the date is Wednesday, December 14, 2016. The navigation bar includes links for Home, Bills, Publications, Representatives, Leadership, Committees, House Schedule, Tracking, and Public Guide. A search bar is present with a dropdown menu set to 'Regular Session 2017'. The main content area features a 'Speaker Richard Corcoran' welcome message with links to his welcome message, legislative appointments, and district page. To the right, the 'House Schedule' section lists a 'Lobbyist Training Seminar' on 12/14/2016 from 4:30 PM until completion, with a 'STAND BY FOR STREAM' button. Below this is a 'VIEW ENTIRE HOUSE SCHEDULE' link. The sidebar on the left contains three menu items: 'Lobbyist Disclosure', 'Appropriations Project Bills', and 'House Directory', each with a checkmark. A large red 'no' symbol is overlaid on a login form in the background, which includes fields for 'Username' and 'Password' and a 'LOGIN' button. A video player for 'Speaker Corcoran Takes Questions...' is visible in the bottom right corner.

Form Troubleshooting

LOG IN USERNAME AND PASSWORD:

Same as Lobbyist Registration Username and Password.

To locate, reset or unlock call (850) 922-4990

A screenshot of a web form titled "Lobbyist Sign In". It contains two input fields: "User Name" and "Password". Below the fields is a dark blue button labeled "Sign In". At the bottom of the form, there is a link labeled "Troubleshooting/Login Issues".

Lobbyist Sign In

User Name

Password

Sign In

[Troubleshooting/Login Issues](#)

NEW REGISTRATIONS NOT SHOWING UP

There is a 24-48 delay new registration information from the Office of Lobbyist Registration to the House Website.

Use PDF to disclosure if necessary, but please re-submit electronically later.

Form Troubleshooting

PRINCIPAL SELECTION :



Lobbyist House Appearance Record

[Download Form](#) [FAQ](#) [Video Tutorial](#)

If you need assistance with this form please refer to the FAQ or video tutorial in the menu above or if you have any other questions please contact the House Public Integrity & Ethics Committee at [850-717-4881](tel:850-717-4881) or LobbyistDisclosure@myfloridahouse.gov

Test12 T. lobbyist12

Lobbyist Name

Principals (grouped by Firm)

Select All

Test Firm K

Anthem, Inc and Its Affiliates

Apalachee Center, Inc

Baxalta US Inc.

Baxter Healthcare Corporation

J. Patrick Fitzgerald, PA

Kindred Healthcare Hospital Division

Life Management Center of NW Florida, Inc

LifeStream Behavioral Center

Issues, Bills and Amendments will become associated with

ALL OF and ONLY THOSE

Principals selected when the form is submitted by clicking the “Submit” button.

Form Troubleshooting

THE “ADD” BUTTON:

Issue Category

Ethics

Issue Discussion Description

Implementation of the new House Lobbyist Disclosure Rules

193 left

Add

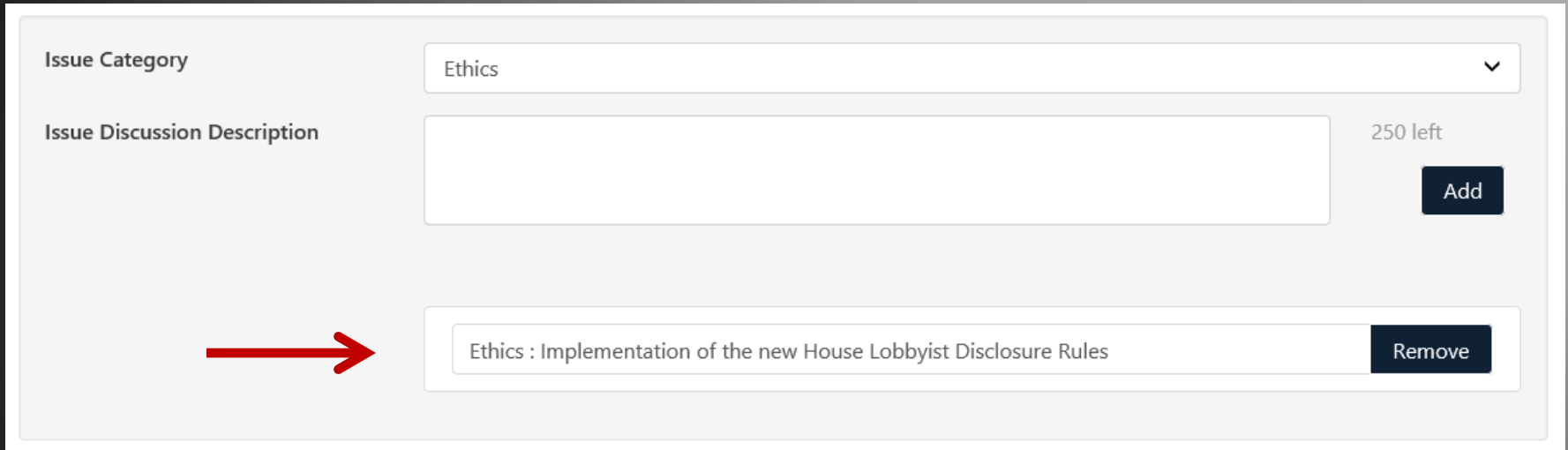


The “Add” button only adds issues or bills to the form itself.

It **DOES NOT** transmit information to the Lobbyist House Appearances database unless you also click on the “Submit” button.

Form Troubleshooting

THE “ADD” BUTTON:



The screenshot shows a form with two main sections. The top section has a label 'Issue Category' next to a dropdown menu showing 'Ethics'. Below that is a label 'Issue Discussion Description' next to a large text input field. To the right of the input field is a character count '250 left' and a dark blue 'Add' button. Below the input field is a list of issues. A red arrow points to the first item in the list: 'Ethics : Implementation of the new House Lobbyist Disclosure Rules'. To the right of this item is a dark blue 'Remove' button.

Starting to build your list of issues... You **MUST** click “add”.

You can add **multiple issues** on each form, and also from **different issue categories.**

However, whatever issues are “added” to the form will become associated with whatever principals are selected after you click “Submit”.

Form Troubleshooting

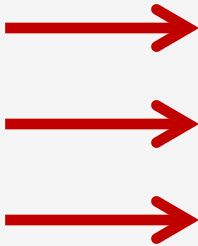
THE “ADD” BUTTON:

Issue Category: Tourism

Issue Discussion Description: 250 left

Add

- Ethics : Implementation of the new House Lobbyist Disclosure Rules **Remove**
- Government in the Sunshine : #RubottomWisdom **Remove**
- Health : Rehabilitation for Rob Gronkowski in Florida **Remove**
- Tourism : Requiring all Floridians to attend a spring training game each year. **Remove**



Form Troubleshooting

EXAMPLES OF INADEQUATE DISCLOSURES:

Using the words “Legislation”, “Monitoring”, “Tracking” or “Issues” in the majority of cases means the disclosure is inadequate.

Business and Professional Regulation:
Issues related to regulating businesses

Other:
Legislation that protects Florida residents and guests from discrimination

Budget:
Budgeting issues.

Budget:
Funding Priorities

Mental Health:
Medicaid health plan

Other:
Building Code Bill

Budget:
Policy and Appropriations

Budget:
Seaport Funding

Health:
Medicaid

Ethics:
House Rules interpretation

Utilities and Communications:
Electric Power and Water

Financial Services:
Banking issues

Administrative Procedure:
General interest

Transportation:
Review legislation related to franchise laws

Agriculture:
Citrus

Business and Professional Regulation:
Issues related to regulating businesses

Health:
Health care reform

Other:
Technology

Taxes:
Monitor tax regulation

Form Troubleshooting

BILLS:

Legislative Session

Regular Session 2017

Bill Number (If Applicable)

Bill Number

Companion
Bill

Companion Bill

Add

Did you request the introduction of the bill?

Only enter the numeric bill number.

Just '34' - **NOT** HB 34, SB 34, SJR 34, or CS/CS SB 34

The Companion Bill section is for what **YOU** feel is the companion.
No need to match what is listed on the House Website.

You "Add" bills, just like you add issues.

Bills and Issues **DO NOT** need to match.


Form Troubleshooting

BILLS:

Legislative Session Regular Session 2017

Bill Number (If Applicable) Companion Bill

Did you request the introduction of the bill?



Form Troubleshooting

BILLS:

Legislative Session Regular Session 2017

Bill Number (If Applicable) Companion Bill

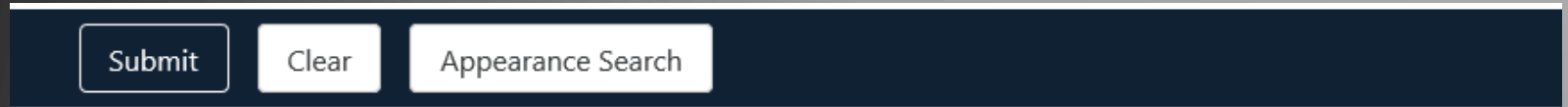
Did you request the introduction of the bill?

2017 - SB 34

2017 - SB 22 (Has Requested Introduction) : Companions - SB 12

Form Troubleshooting

SUBMIT BAR:



Remains on the Bottom of your screen at all times.

You **MUST** click submit and **ONLY** your actively displayed lists will be submitted.

A PDF “receipt” will be automatically generated. Check your browsers settings for downloads to determine how to save it.

The PDF is for your records ONLY.

Form Troubleshooting

LOBBYIST HOUSE APPEARANCES SEARCH:

Lobbyist Disclosure & Information

Welcome

Thank you for visiting the Lobbyist Disclosure and information page of the Florida House of Representatives. Rule 17 of the Rules of the Florida House outlines specific requirements for lobbyists. Before lobbying the House on any issue, lobbyists are required to file an electronic notice of appearance that identifies the specific matter and each principal represented. Please log in to file a notice of appearance.

Transparency promotes accountability. You can identify which lobbyists and principals are seeking to influence proposed legislation by searching the Lobbyist appearance records using the online search tool below.

For further assistance, please contact the **House Public Integrity & Ethics Committee** at 850 717-4881 or LobbyistDisclosure@myfloridahouse.gov.

Resources

- [Video Tutorial](#)
- [Florida Lobbyist Directory](#)
- [General Lobbyist Disclosure FAQ](#)
- [Public Entity Contract Disclosure - Rule 17.1\(i\) FAQ](#)

Lobbyist Sign In

Sign In

[Troubleshooting/Login Issues](#)

Lobbyist House Appearances Search

YEAR:	LOBBYIST:	PRINCIPAL:	ISSUE CATEGORY:
2017 <input type="button" value="v"/>	Last Name <input type="text"/>	First Name <input type="text"/>	Principal <input type="text"/>
Topic <input type="text"/>	Firm <input type="text"/>	Bill Number <input type="text"/>	Amendment <input type="text"/>

Search

Reset

CONTRACT DISCLOSURE UNDER HOUSE RULE 17.1(i)

Rule 17.1(i) requires all legislative lobbyists to disclose:

- BOTH legislative and executive lobbying contracts
- When principal is public entity or covered quasi-public entity

Public entities:

- State officer
- Executive or judicial department
- Political subdivision, special district
- Public authority, public hospital
- Public education entity
- Council, commission, unit of local government

CONTRACT DISCLOSURE Cont'd

Which quasi-public entities:

- Any authority, council commission, direct support organization, institution foundation or similar entity
 - 1. created by law or ordinance to pursue a public purpose*
 - 2. entitled by law or ordinance to any distribution of tax or fee revenues*
 - 3. organized for the sole purpose of supporting a public entity*
- Includes many private organizations with public purposes or receiving tax or fee distributions (not mere recipients of appropriations)

Contract Disclosure cont'd

Examples:

1. Specialty license tag fee recipients
2. A local tourism promoter when a law or ordinance directs any portion of local tourism TAXES to the entity without annual appropriation by the taxing authority
3. A foundation organized specifically and primarily to support a public university, public school, public museum or other public agency

Contract Disclosure, cont'd

NOTE: A legal services contract with a law firm may be memorialized to disclose the lobbying component.

SIMPLE GUIDE:

If the lobbying contract is a public record, submit a copy.

EXCEPTIONS:

An employee of the principal who lobbies only for the employer if the employee's salary is published on the internet.

(If the employer does not publish the salary, Committee will publish if we received an email disclosing your name, employer and salary.

All House employees' salaries are published online. All public employees' salaries are public records.)

QUESTIONS: CONTRACT DISCLOSURE

LobbyistDisclosure@MyFloridaHouse.gov

Direct questions about all disclosure issues may be addressed to this email address. House staff will work with you to figure it out or help you seek a formal opinion to guide your compliance.

Public Integrity & Ethics Committee 850-717-4881