

Legislative Lobbying and House of Representative Rules

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House Leadership

- Legislative Committees meet in January and February
- Regular Session begins on March 7
- New House Speaker is Richard Corcoran
- Speaker has instituted unprecedented new rules – with significant penalties -- relating to:
 - ❖ Appropriations requests
 - ❖ Communications with House members
 - ❖ Lobbyists reporting

Appropriations Project Requests

- New requests for funding require a stand-alone bill and a bill sponsor, unless contained in the BOG Legislative Budget Request
- UF examples may include:
 - ❖ Top Ten
 - ❖ Data Science Building
 - ❖ Medical Marijuana
 - ❖ FL Engineering Experiment Station
 - ❖ Institute for Comparative Veterinary Diagnostics
 - ❖ Zika Research
 - ❖ IFAS items

Appropriations Requests

- New rule does not apply to appropriations requests contained in the BOG Legislative Budget Request
- New appropriations requests will only receive non-recurring funding

Communications with House Members

- Lobbyists may not communicate with House members via electronic communications during committee meetings or daily floor sessions
- There is uncertainty as to general communications about UF issues and initiatives on social media or through events, if they require legislative action and occur when a committee or the legislature is in session

Lobbyist Includes UF Employees and Contract Lobbyists

- House Rule renews focus on and adopts a strict reading of statutes on who is a lobbyist and must register. [These statutory requirements apply to House and Senate.](#)
- S. 11.045, FL Stat. requires House and Senate to adopt lobbyist registration rules to implement S. 11.045 and those rules may provide exemptions
 - Lobbying: “influencing or attempting to influence legislative action or nonaction [of any kind] through oral or written communication” with a **member or staff** of the legislature
 - Lobbyist: “[A] a person [i] who is employed and receives payment, **or** [ii] who contracts for economic consideration [an outside lobbyist of UF], for...lobbying, **or** [B] a person who is principally employed for governmental affairs [e.g., University Relations employees] by [a] governmental entity to lobby.”
 - **Joint Leg. Rule 1.1(2)(e): Any UF employee who seeks to encourage passage, defeat, or modification of any legislation by personal appearance or attendance before the House, Senate, or any committee [or member](#) thereof is a lobbyist and must register.** (Member likely includes staff when acting as a conduit to a member.)
 - **Joint Leg. Rule 1.1(2)(e) UF-employee lobbyists who are principally employed for governmental affairs are lobbyists**—includes University Relations staff and those whose communication with Legislative staff, members is “a primary” activity evaluated in job performance
 - **However, Joint Leg. Rule 1.1 (3)(a) and General Counsel Opinion 13-01 provide lobbying does not include responding** to a request for information from a member, staff or committee, or doing purely ministerial support work internally without contact or communication with legislative staff—but lobbying **does include initiating** provision of information to legislative staff, members, or committees to affect legislative action

Lobbyist Includes UF Employees and Contract Lobbyists

- S. 11.061, FL Stat.: (A) state university employees who “seek to encourage the passage, defeat, or modification of any legislation **by personal appearance** ...before the [House or Senate or a] **committee**” must register as a lobbyist; and (B) state university employees who are required to register under this section must (i) **record the appearance with the committee chair in advance**, and (ii) **record with the joint legislative office “any attendance in the legislative chambers, committee rooms, ... offices, ... hallways”** during the employing university’s business hours.
 - Registration as a lobbyist under this section is not required if the appearance before a **committee or subcommittee** is “at the [written--Joint Leg. Rule 1.1(4)(e)] request of the...**chair**”
 - UF employees must not appear to testify at a committee unless registered as lobbyists or requested in writing by the chair
 - **Violations require deduction from the employee’s salary and benefits of hours spent in violative activity**
 - **Government Relations/Other Staff who are listed in UF’s budget as lobbyists** must register and, under Joint Leg. Rule 1.1(5), must register an appearance before appearing at a House or Senate Committee, but are not subject to the other provisions of s. 11.061 (they do not have to register their attendance in legislative offices, hallways, chambers, committee rooms by statute—so there is no such requirement on the Senate side—just the issue disclosure requirement on the House side under the House rule)
 - Under this section, **UF employees who are not Government Relations employees** and will be **appearing before legislative committees or the House or Senate** (without the committee **chair’s** written request), must (1) register as a lobbyist, (2) file an appearance before testifying before a committee, and (3) file a form for any attendance in legislative chambers, committee rooms, offices and hallways of the House or Senate during UF business hours.

Lobbyist Reporting—Applies To House Lobbying

- Lobbyists must disclose the bills, amendments and appropriations they are attempting to influence and the principals they are representing
- Lobbyists are required to submit an electronic form before meeting or communicating orally, electronically, or in writing for the first time with a House member or staff person on each specific matter—updates are required as matters develop (e.g., when a bill or amendment is filed).
 - Once a lobbyist has filed a for a specific matter, the lobbyist is free to speak to any House member or staff on that matter.
 - The form covers the lobbyist to communicate on that matter for the entire legislative session.
- For UF, lobbyist is defined to include any UF employee who seeks to influence legislation by meeting or otherwise communicating with a House member or staff person or a committee
- A violation will result in a – 2-year prohibition on lobbying
- UF employees who lobby a committee without registration, filing an appearance, and other compliance with 11.061 also will be docked pay (unless they are listed in UF’s budget as lobbyists)

Lobbyist Reporting

- UF contract lobbyists must file a copy of their contracts, and must include specific provisions showing payments to them
- Staff lobbyists' compensation must be posted online

Other Rules

- House members may not fly on lobbyists' or their principals' private planes, even if the House members pay the commercial value
- Former legislators are banned from lobbying the House for six years after they leave office
- While in office, House members are prohibited to enter into business deals or investment relationships with lobbyists and their principals
- While in office, House members are prohibited to solicit employment from lobbyists and their principals

Senate Implications

- House Rules do not apply to the Florida Senate
- Statutory requirements to register before lobbying and related to committee appearances apply to House and Senate and are getting more focus and strict interpretation
- Senate recurring appropriations for new projects that are forwarded to the House and were not filed as appropriations projects bills in the House will be ruled out of order
- It is unclear what action, if any, the Senate will take