

FLORIDA LOBBYING DISCLOSURE

These resources are current as of 5/30/19. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at advocacy@afj.org.

WHAT'S NEW IN THIS GUIDE

The following changes/additions have been made since the previous version of this guide:

- Incorporated adoption of the online Lobbyist Registration and Compensation Reporting System (LRCRS), for registration and reporting of both legislative and executive branch lobbyists, available at <https://floridalobbyist.gov/>

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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DEFINITIONS

Lobbying

- Legislative Lobbying – “Influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.” [§ 11.045\(1\)\(e\), Fla. Stat. \(2018\)](#). It does not include grassroots lobbying.
 - Legislative Action – Includes “introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.” [§ 11.045\(1\)\(d\), Fla. Stat. \(2018\)](#).
- Executive Branch Lobbying – Seeking to “influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.” Executive branch lobbying also encompasses “influencing or attempting to influence the Constitution Revision Commission’s action or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.” [§ 112.3215\(1\)\(f\), Fla. Stat. \(2018\)](#).
 - Agency – Is “the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch” as well as the Constitution Revision Commission. [§ 112.3215\(1\)\(a\), Fla. Stat. \(2018\)](#).
- Lobbyist – A person paid or contracted with for economic consideration to lobby, or a “person principally employed for government affairs” by another person or governmental entity to lobby on behalf of that person or entity. [§§ 11.045\(1\)\(g\), 112.3215\(1\)\(h\), Fla. Stat. \(2018\)](#). A person paid to lobby for a nonprofit organization must register as a lobbyist.

Other Actors

- Lobbying Firm – Any business entity, including an individual contract lobbyist, that receives or is entitled to receive compensation for lobbying, where any partner, owner, officer, or employee of the business is a lobbyist. [§§ 11.045\(1\)\(f\), 112.3215\(1\)\(g\), Fla. Stat. \(2018\)](#).
- Principal - A person, firm, corporation, or other entity that has employed or retained a lobbyist. [§§ 11.045\(1\)\(i\), 112.3215\(1\)\(i\), Fla. Stat. \(2018\)](#).

- Agency Official or Employee – Anyone required by law to file full or limited public disclosure of his or her financial interests. [§ 112.3215\(1\)\(b\), Fla. Stat. \(2018\)](#).
- Volunteer Lobbyists – Florida does not regulate unpaid contact with legislators or executive branch officials, so volunteer lobbyists do not need to register or report their activities.

Grassroots Lobbying

- Florida does not define or regulate grassroots lobbying. Accordingly, there are no separate registration or reporting requirements for grassroots lobbying.

REGISTRATION

Registration of Lobbyists

- Timing – Legislative lobbyists must register prior to engaging in any lobbying. [§§ 11.045\(2\), 112.3215\(3\), Fla. Stat. \(2018\)](#); [Joint Rule 1 of the Florida Legislature](#). Executive branch lobbyists must register upon initially being retained to lobby. [§ 112.3215\(3\), Fla. Stat. \(2018\)](#). Registration is effective for the calendar year in which the lobbyist files a registration.
- Procedure – Lobbyists must register with the Lobbyist Registration and Compensation Reporting System (LRCRS), available at <https://floridalobbyist.gov/>. Through the LRCRS the lobbyist must identify *each* principal that the lobbyist represents, including a contact name, business address, e-mail address, and phone number. The LRCRS will then generate an email to the principal requesting confirmation that the lobbyist is authorized to represent the principal. Registration is not complete until this authorization is received from the principal. [§§ 11.045\(2\)\(b\), 112.3215\(3\), Fla. Stat. \(2018\), Joint Rule 1.2\(1\),\(2\) of the Florida Legislature, Rule 34-12.200, Florida Administrative Code](#).
- Fees – Fees are based on the number of principals for whom a lobbyist is registered and whether the lobbyist will lobby in both legislative houses. The fee for a lobbyist's first registration of the year is \$50 to lobby both the Senate and the House; each additional registration for that lobbyist is \$10. To lobby only one house of the legislature, the fee is \$25 for the first principal and \$10 for each additional principal. See [Joint Rule 1.3\(3\) of the](#)

[Florida Legislature](#). Executive branch lobbying fees are \$25 per principal. See [Rule 34-12.200\(2\), Florida Administrative Code](#).

- [Renewing Registration](#) – All registrations expire on December 31 of each year and must be renewed each calendar year. Renewing a registration requires paying all applicable fees for the new year; payments from one year do not carry over to the next. See [Joint Rule 1.2](#) and [Joint Rule 1.3 of the Florida Legislature](#); [Rule 34-12.330, Florida Administrative Code](#).
- [Changing/Updating Registration](#) – If a lobbyist’s registration information changes during the calendar year for which he or she is registered, the lobbyist must submit the change in the LRCRS within 15 days of the effective date of the change. If the name of the principal for whom the lobbyist is registered changes its name, the lobbyist must cancel its registration and file registration and authorization forms under the principal’s new name, and pay the \$25 registration fee. See [Joint Rule 1.2\(1\) of the Florida Legislature](#), [Rule 34-12.200\(4\), Florida Administrative Code](#).
- [Terminating Registration](#) – When a lobbyist ceases representing a principal, the lobbyist must cancel his or her registration immediately in the LRCRS. Principals may also submit a letter canceling their lobbyists’ registrations. Cancellations cannot be made retroactively and are effective only upon receipt by the LRCRS. No portion of the fee will be refunded. See [§ 11.045\(2\)\(c\), Fla. Stat. \(2018\)](#), [Joint Rule 1.2\(4\) of the Florida Legislature](#), [Rule 34-12.340, Florida Administrative Code](#).

REPORTING

Reporting by Principals

- Principals do not have any reporting obligations. As described below, each lobbying firm or contract lobbyist that represents them will file a report detailing the organization’s activities. If a nonprofit organization has a staff member whose job is to lobby, that person must register as a lobbyist, but there will be no reporting of the organization’s activities, because the organization is not a lobbying firm. See [Joint Rule 1.1\(d\) of the Florida Legislature](#).

Reporting by Lobbying Firms and Contract Lobbyists

- Lobbying firms, including individual contract lobbyists, must file compensation reports for each calendar quarter with the Office of

Legislative Services via LRCRS. [§§ 11.045\(3\), 112.3215\(5\), Fla. Stat. \(2018\)](#), [Joint Rule 1.4 of the Florida Legislature, Rule 34-12.400, Florida Administrative Code](#).

- Compensation reports must be created and submitted through the LRCRS not later than 11:59 p.m. Eastern on the date of the filing deadline. Proof of electronic filing will be by electronic receipt indicating the date and time that the report was submitted. [§§ 11.0455, 112.32155, Fla. Stat. \(2018\)](#).
- Contents - The firm must file a compensation report, providing the following general information:
 - Full name, business address, and telephone number of the lobbying firm;
 - Name of each of the firm's lobbyists; and
 - Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories:
 - \$0;
 - \$1 to \$49,999;
 - \$50,000 to \$99,999;
 - \$100,000 to \$249,999;
 - \$250,000 to \$499,999;
 - \$500,000 to \$999,999;
 - \$1 million or more.[§§ 11.045\(3\)\(a\), 112.3215\(5\)\(a\), Fla. Stat. \(2018\)](#).
 - Additionally, for each principal represented by one or more lobbyist in the firm, the report must include:
 - Full name, business address, and telephone number of the principal; and
 - Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories:
 - \$0;
 - \$1 to \$9,999;
 - \$10,000 to \$19,999;
 - \$20,000 to \$29,999;
 - \$30,000 to \$39,999;
 - \$40,000 to \$49,999; or
 - \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of the compensation must be reported, rounded up or down to the nearest \$1,000.

[§§ 11.045\(3\)\(a\), 112.3215\(5\)\(a\), Fla. Stat. \(2018\)](#). See also [Joint Rule 1.4; Rule 34-12.400, Florida Administrative Code](#).

- The senior partner, officer or owner of the lobbying firm must certify the information on the report is truthful and complete and that no compensation has been omitted from the report by deeming such compensation as “consulting services,” “media services,” “professional services,” or anything other than compensation. He or she must also certify that no officer or employee of the firm has made an expenditure in violation of Sections 11.045 or 112.3215, Florida Statutes. [§§ 11.045\(3\)\(a\)\(4\), 112.3215\(5\)\(a\)\(4\), Fla. Stat. \(2018\)](#). See also [Joint Rule 1.4 of the Florida Legislature; Rule 34-12.400\(5\), Florida Administrative Code](#).
- **Timing** – Reporting periods are the calendar quarters, with reports due no later than 45 days after the end of each reporting period. [§§ 11.045\(3\)\(c\), 112.3215\(5\)\(c\), Fla. Stat. \(2018\)](#).
- **Public Inspection** - Once filed, the compensation reports are open to public inspection. [§§ 11.045\(3\)\(c\), Fla. Stat. \(2018\)](#).
- **Enforcement** – Lobbying firms that file late reports are subject to fines. The fines are \$50 per report per day for each day late up to a maximum of \$5,000 per late report. [§ 11.045\(3\)\(d\)1., 112.3215\(5\)\(d\)1, Joint Rule 1.5 of the Florida Legislature; Rule 34-12.405\(1\), Florida Administrative Code](#).

RESTRICTIONS

Time Restrictions on Lobbying

- There are no time restrictions on lobbying.

Identification of Lobbyists

- Lobbyists are not required to wear a badge or other identification.

Note that many states' rules on gifts, travel and other benefits provided to public officials are extremely complex. The laws outlined below are only summaries of some of the more commonly encountered issues; organizations and lobbyists are advised to consult with legal counsel for a complete analysis of their proposed activities before giving gifts or other benefits to officials.

Several advisory opinions from the Florida Commission on Ethics address executive branch restrictions. See CEO 06-7; CEO 06-11; CEO 06-14; CEO 06-15; CEO 06-17; CEO 07-3, available at (<http://www.ethics.state.fl.us/>).

Gifts

- No lobbyist or principal may provide anything of value (an expenditure), directly or indirectly, to a member or employee of the Legislature or an official, member or employee of an agency. [§§ 11.045\(4\)\(a\), 112.3215\(6\)\(a\), Fla. Stat. \(2018\)](#).
- Political committees may not provide any gift to a reporting individual (anyone who has to file an annual financial disclosure form) or procurement employee (this includes state and local elected officials as well as many agency officials, members or employees).
 - Campaign contributions, expenditures and political activities permissible under the Florida Election Code, Chapter 106, Florida Statutes are excluded from this gift ban as are contributions by or to a political party or affiliated party committee or by a 26 U.S.C. s. 527 or 501(c)(4) organization. See [§§ 11.045\(1\)\(c\)1., 112.31485, Fla. Stat. \(2018\)](#). Vendors may not provide any gift that exceeds \$100 to a reporting individual or procurement employee. See [§ 112.3148\(5\)\(a\), Fla. Stat. \(2018\)](#).
 - Campaign-related personal services provided without compensation are excluded from this gift ban. [§ 11.045\(1\)\(c\), Fla. Stat. \(2018\)](#). A legislator may not accept campaign contributions while the Legislature is in session.
 - A legislator may accept floral arrangements or other celebratory items that are to be displayed in chambers on the opening day of a regular session. [§ 11.045\(4\)\(a\), Fla. Stat. \(2018\)](#). Personalized wall plaques, photographs, or certificates that have no substantial value other than recognizing the recipient's public, civic, charitable, or professional service also are acceptable.
- Persons other than lobbyists, principals, lobbying firms, political committees or vendors may provide unlimited gifts to legislators and agency officials, members and employees. See [§ 112.3148, Fla. Stat. \(2018\)](#). However, if the gift exceeds \$100, the legislator or agency official, member or employee must disclose the gift on their quarterly gift disclosure report. See [§ 112.3148\(6\)\(d\), Fla. Stat. \(2018\)](#).

Travel

- Because travel is something of value, a lobbyist, principal, lobbying firm or political committee may not pay for a legislator's travel. Vendors are limited to gifts that do not exceed \$100.
- If the organization is not a principal, lobbyist, lobbying firm, political committee or vendor, it may pay for travel costs, but the payment is reported as a gift by recipient. [§ 112.3148\(6\)\(d\), Fla. Stat. \(2018\)](#). Transportation is valued on a round-trip basis unless only one-way transportation is provided. [§ 112.3148\(7\)\(d\), Fla. Stat. \(2018\)](#). Additionally, air travel, if provided by private jet, is valued at the same rate as an unrestricted coach fare. [Rule 34-13.500\(4\), Florida Administrative Code](#). If the legislator is a candidate, the travel payment is a contribution to the candidate.

Food and Other Hospitality

- Because food is something of value, principals, lobbyists, lobbying firms and political committees may not pay for a legislator's food.
- If an organization is not a principal, lobbyist, lobbying firm, political committee or vendor, the organization may pay for food and beverages. Vendors are limited to gifts that do not exceed \$100. If the value of the gift exceeds \$100, it must be reported as a gift on the public official's quarterly gift disclosure form. [§ 112.3148\(6\)\(d\), Fla. Stat. \(2018\)](#).

Contingency Fees

- Contingency fees, or compensation that is dependent or contingent on the outcome of any specific legislative or executive branch action, are prohibited. [§§ 11.047, 112.3217, Fla. Stat. \(2018\)](#).

Activity	Regulated by State?	Statutory Citation
Lobbying by Former Officials	Yes	§112.313(9) & (14), Fla. Stat.
Limits on Lobbyists' Gifts to Officials	Yes	§11.045(4), Fla. Stat.; § 112.312(12), Fla. Stat.; § 112.3148, Fla. Stat.; §112.31485, Fla. Stat.; § 112.3215(6), Fla. Stat.
Hospitality Provided to Officials	Yes	§ 11.045(4), Fla. Stat.; § 112.312(12), Fla. Stat.; § 112.3148, Fla. Stat.; §112.31485, Fla. Stat.; § 112.3215(6), Fla. Stat.
Trips Organized by Lobbyists	Yes	§ 11.045(4), Fla. Stat.; §112.312(12), Fla. Stat.; § 112.3148, Fla. Stat.; §112.31485, Fla. Stat.; § 112.3215(6), Fla. Stat.

Revolving Door

- There is a two-year ban after leaving office upon legislators, appointed state officers, and statewide elected officers on lobbying or representing anyone for compensation before the government body of which the individual was an officer or member.
- During their term office, legislators also are prohibited from personally representing anyone for compensation before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.
- In addition, former legislators may not lobby before an executive branch agency, agency official, or employee within two years of leaving office.
- These prohibitions apply only to paid lobbying or representation.

See Article II, Section 8(e) of the Florida Constitution and [§ 112.313\(9\)\(a\)\(3\), Fla. Stat. \(2018\)](#).

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

The Legislature monitors legislative lobbying and the Florida Commission on Ethics monitors executive branch lobbying.

Lobbyist Registration Office

111 W. Madison St., Rm. G-68
Tallahassee, Florida 32399-1425
Telephone: (850)922-4990
www.floridalobbyist.gov

Florida Commission on Ethics

P.O. Drawer 15709
3600 Maclay Boulevard, South, Suite 201
Tallahassee, Florida 32317-5709
Telephone: (850)488-7864
www.ethics.state.fl.us

Prepared by Meyer, Brooks, Blohm and Hearn, P.A.
P.O. Box 1547, Tallahassee, FL 32302

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

Email: advocacy@afj.org
Telephone: 1-866-NPLOBBY (675-6229)

For assistance regarding state law in Florida, please contact:

Ron Meyer, Jennifer Blohm or Lynn Hearn
Meyer, Brooks, Blohm and Hearn, P.A.
P.O. Box 1547
Tallahassee, FL 32302
Telephone: 850.878.5212
Fax: 850.656.6750
Email: rmeyer@meyerbrookslaw.com