

Water Management District Lobbyist Registration Process

Questions & Answers

During its 2014 session, the Florida Legislature passed Senate Bill 846 to create Florida Statute 112.3261 entitled "Lobbying before water management districts; registration and reporting." Lobbyists and/or their attorneys are urged to read the full text of the new law and other referenced sections. The South Florida Water Management District (SFWMD) cannot provide legal advice or guidance in this matter.

1. What is lobbying?

According to the statute, "lobbies" or "lobbying" means seeking, on behalf of another person, to influence a water management 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.

2. Who is required to register in order to lobby?

A "lobbyist" is anyone 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 an agency on behalf of that other person or governmental entity.

3. Are permit-related activities considered lobbying?

No. Representation of a client before the SFWMD regarding the approval or denial of a water management permit or at a public rulemaking workshop is not considered lobbying. The lobbyist registration requirement is focused on policy and procurement issues, not routine regulatory matters.

4. What does policy mean as related to lobbying?

"Policy" means a course of action, such as a rule under Chapter 120, that is applicable to a class of persons and designed to influence or determine the subsequent decisions and actions of an agency. The term does not include the determination of any rights, duties or obligations of a person made on a case-by-case basis, such as would be involved in the issuance or denial of a permit. *(See Executive Branch Lobbyist Registration Rule 34-12.020.)*

5. When do lobbyists register?

Beginning July 1, 2014, a lobbyist must register prior to lobbying a water management district for each principal represented. Registration will then be renewable on a calendar-year basis thereafter.

6. What is a principal?

A "principal" is the person, firm, corporation, governmental entity, or other entity that has employed or retained a lobbyist.

7. Must lobbyists have permission of a principal in order to register for that principal?

Yes. Their principals must authorize them to lobby. A required Principal's Authorization must be submitted with the Registration Form.

8. How do lobbyists register with the SFWMD?

Instructions and registration material are available online at www.SFWMD.gov/LobbyistRegistration or from the District Clerk's Office in West Palm Beach. Fill out the Florida government Executive Branch Lobbying Registration Form (signature must be notarized) and the Principal's Authorization and submit both to the SFWMD Clerk's Office. Submittals may be made by hand delivery or mail delivery to 3301 Gun Club Road, West Palm Beach, FL, 33406, or via email (with PDF attachment) to clerk@sfwmd.gov.

9. What is the registration fee?

None. At this time, there is no cost to register with the South Florida Water Management District.

10. Where may lobbyists obtain the required documents?

Instructions and documents are available online at www.SFWMD.gov/LobbyistRegistration and from the Clerk's Office at District headquarters in West Palm Beach.

11. When are registrations effective?

Registrations are deemed complete and effective when all of the required items have been received by the SFWMD District Clerk.

12. How long are registrations effective?

The initial registration period will extend through December 31, 2014. After that, renewals or new registrations will be effective for a calendar year to December 31.

13. What information is required on the Lobbying Registration Form?

- The lobbyist's name, mailing address, telephone number and area of interest.
- The name, mailing address and telephone number of the principal represented.
- If applicable, the name, mailing address and telephone number of the lobbying firm on behalf of which the lobbyist is representing the principal.
- The existence of any direct or indirect business association, partnership or financial relationship with any officer or employee of the South Florida Water Management District.
- The registration information must be stated under oath, with a notarized signature.

14. What information is required on the Principal's Authorization?

- The lobbyist's name.
- The principal's name, a description of the principal's main business and the NAICS 6-digit code.
- The name, title and signature of the principal or the principal's representative.

15. Will the SFWMD maintain a public database of currently registered lobbyists and principals?

Yes. A searchable database of registered lobbyists and their principal(s) will be available on the District website at www.SFWMD.gov/LobbyistRegistration

16. What is the process for registration changes or cancellations?

Registration changes or cancellations require a prompt written notification to the District Clerk from either the lobbyist or the principal being represented. Cancellations are effective upon receipt by the District Clerk.

17. Does registration with SFWMD apply to other water management districts?

No. Separate registrations must be sent to each water management district that an individual intends to lobby. Registration instructions for the other four districts can be found on their websites.

For more information:

The new law references consistency with Section 112.3215, Florida Statutes, regarding Executive Branch lobbying. Details on the provisions of that law and its implementing rules, including examples of what is considered lobbying activities and what is not considered lobbying activities, is available online at www.SFWMD.gov/LobbyistRegistration.