



THE FLORIDA LEGISLATURE

OFFICE OF LEGISLATIVE SERVICES



JEFF ATWATER
President of the Senate

RAY SANSOM
*Speaker of the House of
Representatives*

December 5, 2008

Christian R. Camara
Competitive Enterprise Institute
Post Office Box 10330
Tallahassee, Florida 32302

Re: Lobbyist Registration Informal Opinion No. 08-01

Dear Mr. Camara:

You have inquired whether the activities of the newly established Florida office of the Competitive Enterprise Institute (CEI) will be considered lobbying the Legislature.

You state that the Competitive Enterprise Institute (CEI) is a non-profit, non-partisan public policy and educational organization established under section 501(c)(3) of the Internal Revenue Code and based in Washington, D.C. You also state that CEI is dedicated to keeping citizens informed about government while advancing the principles of free enterprise and limited government, and that it achieves its mission through research, educational outreach, forums, and publications. As Director of the newly established Florida office, you will be doing research, writing, and educational outreach. In addition, you state that:

It is not CEI's intention for me or my office to engage in lobbying activities. However, without promoting or discouraging the passage of specific legislation, we would like to reach out to legislators by meeting with them and sharing our research findings and expertise on a wide range of issues.

Your request states:

"[A]t what point does interacting with legislators and their staff and providing them with educational resources on public policy issues become lobbying? Would discussing a free-market approach to issues affecting the state with legislators be considered lobbying when no specific piece of legislation is being promoted or discouraged?"

"Lobbying" is defined in Section 11.045(1)(f), Florida Statutes, and Section 1.1(d) of Rule One, Joint Rules of the Florida Legislature:

(d) "Lobby" or "lobbying" means 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.

"Legislative action" is defined in Section 11.045(1)(e), Florida Statutes, and Section 1.1(c) of Rule One, Joint Rules of the Florida Legislature:

"Legislative action" means 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.

Thus, if you will be attempting to influence legislative action or nonaction, you will be lobbying, regardless of whether you are promoting or discouraging a specific piece of legislation.

As you stated in your letter, CEI advances the principles of free enterprise and limited government. CEI's announcement about its new Florida office included your statement that CEI will be working "to promote meaningful property insurance reform in Florida." The announcement also stated that CEI's Center for Risk, Regulation, and Markets "will focus on efforts to encourage sensible mitigation strategies, reduce the financial risks that the Hurricane Catastrophe Fund poses to the state, cut the size of the Florida Citizens Property Insurance Corporation, and protect the environment." If you will be contacting legislators or staff either in person or in writing in an attempt to influence their action on these matters or other matters that may come before the Legislature then you will be lobbying. Actions that do not constitute lobbying are those such as appearing before a committee, subcommittee or delegation on written request or supplying information in response to an inquiry by a member, committee, or staff of the Legislature. Section 1.1(3) and (4) of Rule One, Joint Rules of the Florida Legislature.

The second part of your question regards whether CEI may pay the travel and lodging expenses of legislators to attend educational forums. Because the activities of CEI described above would constitute lobbying, such expenditures would be prohibited under Section 11.045(4), Florida Statutes:

Please do not hesitate to inquire again if the above opinion does not adequately answer your question.

Sincerely,



Christiana T. Moore
General Counsel

CTM:me

cc: Honorable Jeff Atwater, President of the Florida Senate
Honorable Ray Sansom, Speaker of the Florida House of Representatives
Honorable Alex Villalobos, Chair, Senate Committee on Rules
Honorable Bill Galvano, Chair, House Rules and Calendar Council