



FLORIDA ASSOCIATION OF PROFESSIONAL LOBBYISTS

September 19, 2013

The Honorable Don Gaetz
President
Florida Senate
409 The Capitol
Tallahassee, FL 32399

The Honorable Will Weatherford
Speaker
Florida House of Representatives
420 The Capitol
Tallahassee, FL 32399

Dear President Gaetz and Speaker Weatherford:

As has been evidenced by your recent comments in news reports, we understand your interest in fully implementing the lobbyist compensation report audit provisions pursuant to s. 11.40(3) F.S. (effective December 2005). On behalf of the nearly 350 members of the Florida Association of Professional Lobbyists (FAPL) and board of directors, I would like to respectfully request you consider allowing our organization to provide input and offer our assistance as you embark upon fully implementing this very important law.

For nearly ten years, the mission of the Florida Association of Professional Lobbyists has been to establish and maintain high standards for the lobbying profession. While Florida lobbyists are regulated by several sections of Florida law - specifically s.112.3215(5), F.S. and 11.045(2), F.S. - our members have gone above and beyond what is required by Florida law and created and pledged to abide by a self-imposed code of conduct that is signed by and adhered to by each member of our organization. More importantly, Article II of our code of conduct requires that our members fully comply with applicable laws and rules:

ARTICLE II. - COMPLIANCE WITH APPLICABLE LAWS AND RULES

A professional lobbyist should fully comply with all statutes and rules relating to the conduct of lobbying activities and the election of public officials.

2.1 A professional lobbyist should have a thorough working knowledge of laws and rules applicable to the profession and should not violate these provisions in substance or in spirit.

2.2 A professional lobbyist should never knowingly cause any public official, policy maker, or other interested person to violate any law or rule applicable to them and should not facilitate or otherwise participate in an apparent violation.

While not all individuals registered to lobby the Florida Legislative or Executive branches of government are members of FAPL, we would like you to recognize that FAPL members have taken the pledge to a "commitment to high standards for the lobbying profession" and for "the establishment and maintenance of the highest standards of professionalism and ethical conduct for those who take pride in being a professional lobbyist." Therefore, you have our commitment that FAPL will continue to hold our members to these high standards and will encourage our members to fully comply with the implementation of the lobbyist compensation report audits.

In addition to the current regulations required by Florida law, the Florida Association of Professional Lobbyists has also created a gold standard, the Designated Professional Lobbyist (DPL), for designating those government relations professionals who develop in-depth knowledge of the legislative and political process, its rules, regulations and ethics.

The DPL program is a voluntary opportunity to strengthen skills and effectiveness of government relations personnel in lobbying firms, corporations, and not-for-profit associations. Those new to the profession quickly gain expertise it might otherwise take years to acquire, while experienced lobbyists stay current on new ethical and regulatory areas. At the same time, they earn a professional designation and recognition among peers in the lobbying community and in government. The individuals who earn the DPL not only adhere to the FAPL code of conduct but they commit to a prescribed curriculum of educational courses on ethics, elections and other pertinent issues and maintain the DPL designation through annual continuing professional education. To date, FAPL has nearly 120 members who have earned the DPL designation. We anticipate another 25-30 individuals will earn their DPL by the end of 2013 (a list of those individuals can be found at www.fapl.us).

As you can see, FAPL is committed to fostering professionalism in a field of work that requires the highest level of ethical and professional standards. Therefore, we would respectfully submit to you that:

- 1) FAPL will continue to hold its members to our code of conduct especially regarding compliance with all provisions of law applicable to the practice of lobbying;
- 2) FAPL stands ready to be a resource to and partner with the Legislature in developing the rules relating to the lobbyist compensation report audit provisions in order to ensure not only compliance with the law but also ways to implement the audit process without the unintentional addition of overburdensome regulations; and
- 3) FAPL stands ready to provide suggestions to the Legislature on ways to streamline the current regulations relating to lobbying including an online client registration process, electronic payment of registration fees and streamlined access to the Capitol predicated upon successful background checks.

Again, we appreciate your time and consideration on this issue and look to hear from you or your staffs as to how FAPL can be the most helpful moving forward.

Sincerely,

FAPL 2013 Board of Directors

Hubert "Bo" Bohannon, DPL, Chair
David Mica, CAE, DPL, Vice Chairman
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John Wayne Smith, DPL

cc: Joint Legislative Auditing Committee
Mark Landreth, CAE, DPL, FAPL Executive Director

**FLORIDA ASSOCIATION OF PROFESSIONAL LOBBYISTS
CODE OF PROFESSIONAL ETHICS**

ARTICLE I. - THE PROFESSIONAL LOBBYIST

A professional lobbyist should conduct himself with honesty and integrity and should exhibit accuracy, civility, and courtesy in his dealings with others.

1.1 A professional lobbyist should be truthful at all times in dealing with public officials, policy makers, fellow lobbyists, and others involved in the governmental process; provided, this obligation does not extend to an affirmative duty to disclose confidential information obtained from a client.

1.2 A professional lobbyist who learns that any information provided by him to a public official or other person directly involved in an issue is factually inaccurate in any material way or has changed in a manner that renders it materially inaccurate, is obligated to promptly provide all necessary corrections or updated information to that official and those persons.

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ARTICLE III. – PROFESSIONALISM

A professional lobbyist conducts all lobbying activities in a manner befitting the profession.

3.1 A professional lobbyist should fully understand the legislative, governmental, and political processes in order to represent a client or an employer in a competent and effective manner.

A professional lobbyist should maintain a high level of current knowledge of the governmental processes and of relevant specialized subject areas and should participate in continuing education, seminars, and similar activities to maintain this level of ongoing proficiency.

ARTICLE IV. - CONFLICTS OF INTEREST

A professional lobbyist should not undertake or continue representations that create, or are likely to create, conflicts of interest in the absence of consent of the clients involved.

4.1 A lobbyist should not advocate a position on behalf of one client if the lobbyist also represents another client with a materially inconsistent position without the consent of both clients.

4.2 When it becomes apparent at any stage of representation that the material interests of a potential or existing client may have a significant adverse impact on another client, a professional lobbyist has an affirmative obligation to fully and timely disclose the potential conflict to both clients and to reach a solution that is either clearly understood and acceptable by each as to the manner in which the potential conflict is to be resolved or that includes withdrawal from representation, as appropriate.

ARTICLE V. - DUE DILIGENCE AND BEST WORK

A professional lobbyist should diligently and vigorously advance the interests of the client or employer.

5.1 A professional lobbyist is duty bound to devote the necessary time, attention, and resources to the interests of the client or employer.

5.2 A professional lobbyist should keep a client fully informed as to relevant events relating to that client and should, as appropriate, give the client meaningful and informed participation in the development and implementation of strategies and the prioritization of the acceptability of potential results.

ARTICLE VI. – ENGAGEMENT

An independent professional lobbyist who is retained by a client should have an agreement with the client regarding the engagement of the lobbyist's services.

ARTICLE VII. – CONFIDENTIALITY

A professional lobbyist should maintain the confidentiality of information provided by the client and of any other confidential information that would be contrary to the client's material interests if disclosed.

ARTICLE VIII. - DUTY TO THE PROCESS

In addition to the duties set forth herein, a professional lobbyist should at all times exhibit the proper respect for the democratic institutions and processes, public officials and policymakers, and his fellow lobbyists.

ARTICLE IX. - DUTY TO FELLOW LOBBYISTS

A professional lobbyist should treat his colleagues with fairness, dignity and respect.

9.1 A professional lobbyist should not solicit, or knowingly permit solicitation of, a prospective client for the purpose of obtaining professional employment if the professional lobbyist knows or reasonably should know that the person to whom the solicitation is directed is already represented by a lobbyist in the matter.

9.2 The provisions of section 9.1 above do not apply to:

- A. The circulation of generic printed communications to ten or more potential clients that notify them of a change of circumstances such as the entry into lobbying, changes of firm personnel or of firms, specialized knowledge of a given area, and similar communications that are not directed as a solicitation to an individual entity.
- B. Responses to inquiries or requests that are initiated by a potential client, including but not limited to requests for proposals.
- C. The solicitation of another lobbyist who is not also the principal.

9.3 A professional lobbyist distinguishes between the issue and the person in viewing his peers and treats the person in a respectful and collegial manner.

9.4 A professional lobbyist has an affirmative duty to uphold the dignity and standards of the profession by counseling or even admonishing those of his colleagues that manifest behaviors that are inconsistent with this Code and of this paragraph in particular.