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# Select Committee on Standards of Official Conduct

**Monday, February 18, 2008  
3:30 PM – 5:30 PM  
216 Capitol**

**Marco Rubio  
Speaker**

**Dennis Ross  
Chairman**



# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

### Select Committee on Standards of Official Conduct

**Start Date and Time:** Monday, February 18, 2008 03:30 pm

**End Date and Time:** Monday, February 18, 2008 05:30 pm

**Location:** 216 Capitol

**Duration:** 2.00 hrs

Organizational Meeting

**NOTICE FINALIZED on 02/08/2008 14:21 by Martin.Cara**



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**The Florida House of Representatives**  
**Office of the Speaker**

**Marco Rubio**  
Speaker

February 7, 2008

The Honorable William Pittman  
Chief Clerk  
Florida House of Representatives  
Room 513, The Capitol  
Tallahassee, Florida 32399-1300

Dear Mr. Clerk:

In accordance with Rule 16.2(e), I hereby create the Select Committee on Standards of Official Conduct.

The specific charge of the select committee is to hold hearings regarding the statement of alleged violations of Section 11.045(1)(f), Florida Statutes, and Joint Rule 1.1(1) by William Barrett, hold hearings to determine whether the alleged violations have occurred, and, if appropriate, make a recommendation for disciplinary action or other punishment concerning William Barrett to the full House.

The select committee shall hold hearings, may adopt formal and informal rules of procedure, including appointment of a referee with the approval of the Speaker, receive evidence, administer oaths to witnesses, issue subpoenas, as approved by the Speaker for attendance and testimony of witnesses or production of books, records, correspondence, memoranda papers, documents and other items as it deems necessary to the conduct of the inquiry.

The members of the House of Representatives appointed to serve are:

Representative Dennis Ross, Chair  
Representative Pat Patterson  
Representative Bill Galvano  
Representative Anitere Flores  
Representative Jack Seiler  
Representative Mary Brandenburg

Sincerely,

A handwritten signature in black ink, appearing to read "Marco Rubio", is written over a horizontal line.

**Marco Rubio**  
Speaker







Select Year:  

## The 2007 Florida Statutes

Title III  
LEGISLATIVE BRANCH;  
COMMISSIONS

Chapter 11  
LEGISLATIVE ORGANIZATION, PROCEDURES, AND  
STAFFING

View Entire  
Chapter

### 11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.--

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(c) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

(e) "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.

(f) "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.

(g) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h) "Lobbyist" means a person 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 on behalf of that other person or governmental entity.

(i) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for



the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the Office of Legislative Services.

(c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by legislative subpoena of either house of the Legislature, and the subpoena may be enforced in circuit court.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a)1. Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and

c. 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.

2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

a. Full name, business address, and telephone number of the principal; and

b. 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 compensation must be reported, rounded up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(b) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements must be filed by electronic means as provided in s. 11.0455.

(d) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbying firm that fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the electronic receipt issued pursuant to s. 11.0455 is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file



on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals of any suspension or reinstatement.

8. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

(4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any expenditure, except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session.

(b) No person shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(5) Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6) Each house of the Legislature shall provide by rule for keeping all advisory opinions of the committees relating to lobbying firms, lobbyists, and lobbying activities. The rule shall also provide that each house keep a current list of registered lobbyists along with reports required of lobbying firms under this section, all of which shall be open for public inspection.



(7) Each house of the Legislature shall provide by rule that a committee of either house investigate any person upon receipt of a sworn complaint alleging a violation of this section, s. [112.3148](#), or s. [112.3149](#) by such person; also, the rule shall provide that a committee of either house investigate any lobbying firm upon receipt of audit information indicating a possible violation other than a late-filed report. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. [112.3148](#), or s. [112.3149](#), it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (7).

(9) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyists lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

**History.**--s. 1, ch. 78-268; s. 1, ch. 90-502; s. 1, ch. 91-292; s. 2, ch. 93-121; s. 1, ch. 96-203; s. 1, ch. 98-136; s. 2, ch. 2000-122; s. 1, ch. 2000-232; ss. 1, 2, ch. 2005-359; s. 11, ch. 2006-275.









## **JOINT RULES**

The Eighty-third Florida Legislature  
Enacted through HCR 7011 (2007)  
Adopted: Florida House, March 15, 2007  
Concurred: Florida Senate, March 22, 2007

### **Joint Rule One— LOBBYIST REGISTRATION AND COMPENSATION REPORTING**

#### ***1.1—Those Required to Register; Exemptions; Committee Appearance Records***

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services. Registration is required for each principal represented.

(2) As used in Joint Rule One, unless the context otherwise requires:

(a) "Compensation" means payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(b) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(c) "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 that may be the subject of action by, either house of the Legislature or any committee thereof.

(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.

(e) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, and where any partner, owner, officer, or employee of the business entity is a lobbyist. "Lobbying firm" does not include an entity that has employees who are lobbyists if the entity does not derive compensation from principals for lobbying, or such compensation is



received exclusively from a subsidiary or affiliate corporation of the employer. As used in this paragraph, an affiliate corporation is a corporation that directly or indirectly shares the same ultimate parent corporation as the employer and does not receive compensation for lobbying from any unaffiliated entity.

(f) "Lobbyist" means a person 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 on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(g) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(h) "Principal" means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(i) "Unusual circumstances," with respect to any failure of a person to satisfy a filing requirement, means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to satisfy the filing requirement.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.



(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive or judicial department of the state or any community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record as required by the respective house.

### ***1.2—Method of Registration***

(1) Each person who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, business address, and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, and telephone number of each lobbying firm to which the lobbyist belongs. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the



time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office, signed by the principal or principal's representative, that the registrant is authorized to represent the principal. On the authorization statement the principal or principal's representative shall also identify and designate the principal's main business pursuant to a classification system approved by the Office of Legislative Services that shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.

(3) Any person required to register must renew the registration annually for each calendar year.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, canceling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal.

(5) The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.

(6) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 11.045, 112.3148, and 112.3149, Florida Statutes.

### ***1.3—Registration Costs; Exemptions***

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.





(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

#### ***1.4—Reporting of Lobbying Firm Compensation***

(1)(a) Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

1. Full name, business address, and telephone number of the lobbying firm;
2. Registration name of each of the firm's lobbyists; and
3. 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.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

1. Full name, business address, and telephone number of the principal; and
2. 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 compensation must be reported, rounded up or down to the nearest \$1,000.

(c) If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and



2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this Rule 1.4, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of section 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida.

(2) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as follows:

Category (dollars)	Dollar amount to use aggregating
0	\$ 0
1-9,999	5,000
10,000-19,999	15,000
20,000-29,999	25,000
30,000-39,999	35,000
40,000-49,999	45,000
\$50,000. or more	Actual amount reported

(3) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Effective April 1, 2007, reporting statements shall be filed by electronic means through the electronic filing system developed by the division, conforming to subsection (4).

(4) The electronic filing system for compensation reporting shall include the following:

(a) As used in this rule, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.

(b) A report filed pursuant to this Rule 1.4 must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in subsection (3). A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under Rule 1.5(1).



(c) Each person given secure sign-on credentials to file via the electronic filing system is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the division is notified that the person's credentials have been compromised. Each report filed by electronic means pursuant to this section shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of s. 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.

(d) The electronic filing system shall:

1. Be based on access by means of the Internet.
2. Be accessible by anyone with Internet access using standard web-browsing software.
3. Provide for direct entry of compensation-report information as well as upload of such information from software authorized by the division.
4. Provide a method that prevents unauthorized access to electronic filing system functions.
5. Provide for the issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(5) The division shall provide reasonable public notice of the electronic filing procedures and of any significant changes in such procedures. In the event that the President of the Senate and the Speaker of the House of Representatives jointly declare the electronic system to be not operable, the reports shall be filed in the manner required prior to April 1, 2007, unless the President of the Senate and the Speaker of the House of Representatives direct use of an alternate means of reporting. The division shall develop and maintain such alternative means as may be practicable. Public notice of changes in filing procedures and any declaration or direction of the President of the Senate and the Speaker of the House of Representatives may be provided by publication for a continuous period of reasonable time on one or more Internet websites maintained by the Senate and the House of Representatives.

(6) Prior to April 1, 2007, reports must be filed no later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company that bears a date on or before the due date, shall be proof of mailing in a timely manner.



***1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals***

(1) Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2)(a) Effective April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine based on when the report is actually received by the division or when the electronic receipt issued by the electronic filing system is dated, whichever is earlier.

(b) Prior to April 1, 2007, upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

1. When a report is actually received by the division.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after notice that the report has not been timely filed is transmitted by the person designated to review the timeliness of reports. A fine shall be assessed for any subsequent late-filed reports.

(5) Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may by joint agreement concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports. In such case, the





lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

(6) A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(7)(a) All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals and the President of the Senate and the Speaker of the House of Representatives of any suspension or reinstatement. All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.

(b) No such lobbyist may be reinstated in any capacity representing any principal until the fine is paid or until the fine is waived as to that lobbyist. A suspended lobbyist may request a waiver upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services who shall, as soon as practicable, make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(8) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

#### ***1.6—Open Records; Internet Publication of Registrations and Compensation Reports***

(1) All of the lobbyist registration forms and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

(2) The division shall make information filed pursuant to Rules 1.2 and 1.4 reasonably available on the Internet in an easily understandable and accessible format. The Internet website shall include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified with respect to principals pursuant to Rule 1.2.



***1.7—Records Retention and Inspection and Complaint Procedure***

(1) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation reports.

(2) Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

***1.8—Questions Regarding Interpretation of this Joint Rule One***

(1) A person may request in writing an informal opinion from the General Counsel of the Office of Legislative Services as to the application of this Joint Rule One to a specific situation. The General Counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion that is issued shall be provided to the presiding officer of each house. A committee of either house designated pursuant to section 11.045(5), Florida Statutes, may revise any informal opinion rendered by the General Counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this Joint Rule One may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(5), Florida Statutes.



***1.9—Effect of Readoption and Revision***

All obligations existing under Joint Rule One as of the last day of the previous legislative biennium are hereby ratified, preserved, and reimposed pursuant to the terms thereof as of that date. The provisions of Joint Rule One are imposed retroactively to the first day of the present legislative biennium except that provisions new to this revision are effective on the date of adoption or as otherwise expressly provided herein.











## *Florida House of Representatives*

*Marco Rubio, Speaker*  
Office of the General Counsel

Jeremiah M. Hawkes  
General Counsel

January 31, 2008

The Honorable Marco Rubio, Speaker  
Florida House of Representatives  
1000 SW 57<sup>th</sup> Ave., Suite 200  
Miami, Florida 33144-5120

Re: Statement of Alleged Violation

Dear Mr. Speaker:

I am hereby transmitting my finding as Special Investigator regarding the complaint against William Barrett for unregistered lobbying. This investigation has determined there is probable cause to believe that violations within the jurisdiction of this investigation have occurred; to wit, William Barrett engaged in lobbying as defined in section 11.045(1)(f) Florida Statutes, and Joint Rule 1.1(1)(d) of the Eighty-Third Florida Legislature and was not registered to lobby as required by Joint Rule 1.1(1) of the Eighty-Third Legislature. Furthermore, the violations are sufficiently serious to warrant appointment of a Select Committee on Standards of Official Conduct. Based on my conclusions that probable cause exists, attached is the complaint which sets forth my findings laid out in three separate counts, for your consideration.

The facts related in the complaint show that Barrett contracted to lobby, lobbied, was aware of the requirements to be a registered lobbyist, and failed to properly register before lobbying. Barrett was given an opportunity to respond to this investigation, and failed to do so despite indicating that he would. Based on the foregoing, it is my recommendation that you appoint a Select Committee on Standards of Official Conduct pursuant to House Rule 16.2(e) to review my findings, take additional evidence and testimony if necessary, and make a recommendation for consideration by the House of Representatives.

Yours truly,

A handwritten signature in black ink, appearing to read "Jeremiah M. Hawkes", written over a horizontal line.

Jeremiah M. Hawkes,  
General Counsel

cc: The Honorable David Rivera, Chairman, Rules and Calendar Council  
Don Rubottom, Staff Director, Rules and Calendar Council  
William Barrett, Sewell Point Group, Inc.  
William Pittman, Clerk, Florida House of Representatives  
Andrew Anderson, Complainant





# *Florida House of Representatives*

*83<sup>rd</sup> House since Statehood*

*Marco Rubio, Speaker*

In Re:

WILLIAM BARRETT,  
\_\_\_\_\_ /

## **IN RE: STATEMENT OF ALLEGED VIOLATION**

Pursuant to House Rule 16.2(d)4, the undersigned hereby transmits the following Statement of Alleged Violation:

1. William Barrett has been registered as a lobbyist since March 1, 1999.
2. William Barrett did not register as a lobbyist for 2007, until June 25, 2007, well past the January 1, 2007 deadline.
3. William Barrett was suspended from lobbying for failure to pay fines on March 25, 2007.
4. The Office of Legislative Services show that William Barrett has the following history:
  - a. *03/06/00*: William Barrett was given a one-time fee waiver for a fine accrued for failing to file an expenditure report for the latter half of 1999.
  - b. *02/11/02*: William Barrett submitted a renewal form to lobby the Florida Legislature for the calendar year of 2002. It was approved.
  - c. *08/16/02*: William Barrett was assessed a fine in the amount of \$50 for a failure to file an expenditure report for the beginning half of 2002. The fine was paid.
  - d. *04/14/03*: William Barrett submitted a renewal form to lobby the Florida Legislature for the calendar year of 2003. It was approved.
  - e. *09/09/03*: William Barrett was assessed a fine in the amount of \$5,000 for a failure to file an expenditure report for the beginning half of 2003. The fine was appealed and the appeal became moot based on a change in law made by Chapter 2005-359, Laws of Florida.
  - f. *02/10/04*: William Barrett submitted a renewal form to lobby the Florida Legislature for the calendar year of 2004. It was approved.
  - g. *05/27/04*: William Barrett was assessed a fine in the amount of \$5,000 for a failure to file an expenditure report for the latter half of 2003. The fine was appealed and the appeal became moot based on a change in law made by Chapter 2005-359, Laws of Florida.
  - h. *08/20/04*: William Barrett was assessed a fine in the amount of \$50 for a failure to file an expenditure report for the beginning half of 2004. The fine was paid late.



- i.* 03/01/05: William Barrett submitted a renewal form to lobby the Florida Legislature for the calendar year of 2005. It was approved.
- j.* 03/07/05: William Barrett was assessed a fine in the amount of \$2,250 for a failure to file an expenditure report for the latter half of 2004. The fine was paid late.
- k.* 09/23/05: William Barrett was assessed a fine in the amount of \$2,250 for a failure to file an expenditure report for the beginning of 2005. The fine was paid late.
- l.* 02/22/06: William Barrett submitted a renewal form to lobby the Florida Legislature under the lobbying firm Brobar Group, Inc. (BGI) for the calendar year of 2005. It was approved.
- m.* 06/27/06: William Barrett was assessed a fine in the amount of \$1,450 for a failure to file an expenditure report for the first quarter (January 1, 2006 through March 31, 2006). It was waived. He was given a one-time fee waiver because he was registered under a different lobbying firm than previously stated.
- n.* 12/05/06: William Barrett was assessed a fine in the amount of \$5,000 for a failure to file an expenditure report for the second quarter of 2006 (April 1, 2006 through June 30, 2006). It was appealed, the appeal was denied and the fine was eventually paid.
- o.* 01/03/07: William Barrett was assessed a fine in the amount of \$800 for a failure to file an expenditure report for the third quarter of 2006 (July 1, 2006 through September 30, 2006). The fine was paid late.
- p.* 06/01/07: William Barrett was assessed a fine in the amount of \$5,000 for a failure to file an expenditure report for the fourth quarter of 2006 (October 1, 2006 through December 31, 2006). The fine was paid late.
- q.* 06/15/07: William Barrett submitted a lobbyist registration form for the Florida legislative calendar year of 2007 under the lobbying firm Sewell Point Group, Inc. It is signed by William Barrett and he is authorized to represent the City of St. Cloud with a \$50 money order attached to the Florida Legislature. It is denied until all outstanding fines are paid.
- r.* 06/18/07: A letter is sent to William Barrett from Chris Moore, General Counsel for the Office of Legislative Services demanding payment of fines for late registration in 2006.
- s.* 06/25/07: Payment is received by the Office of Legislative Services for all outstanding fines and registration is approved for William Barrett as a lobbyist for the City of St. Cloud.
- t.* 07/06/07: William Barrett submitted a lobbyist registration form for the Florida legislative calendar year of 2007 under the Sewell Point Group, Inc., for the City of Palm Bay. It is approved.



**Count I: William Barrett Contracted with the City of St. Cloud as a Lobbyist:**

5. Paragraphs 1- 4 are realleged.
6. William Barrett contracted with the City of St. Cloud as demonstrated by the following facts:
  - A. Current Contract for Bill Barrett's Services:
    1. A resolution was passed on October 23, 2003, authorizing the Mayor of St. Cloud to enter into a professional consultant services agreement with the Brobar Group, Inc. (BGI).
    2. The agreement was entered into on December 23, 2003, between the City of St. Cloud and BGI. The agreement specified that BGI was to provide the services of its employee William Barrett and some of those services are listed as follows:
      - a. "Provide information and data to federal, state and regional agencies . . . provide appropriation and/or legislative language and address legislative needs as directed...Coordinate and solicit support from state and federal legislators Report findings to the City . . . All services shall be performed in accordance with this Agreement and with any and all applicable law, professional standards and guidelines."
    3. An addendum to the 2003 agreement was executed on January 1, 2006, to increase Mr. Barrett's salary to \$50,000.
    4. A resolution was passed on August 9, 2007, authorizing the City Manager to assign the current contract from BGI to Sewell Point, Inc., "for research, grant administration and lobbying services."
    5. The purchase orders from the City of St. Cloud to BGI specified the payments were for "State Lobbying Services provided by Bill Barrett."
  - B. Correspondence Between St. Cloud Staff and William Barrett:
    1. 01/09/07: Barrett e-mail's Todd Swingle with attachments of CBIRS form for 2007.
    2. 02/05/07: E-mail from Tom Hurt to Michael Turner stating, "I just got a call from Bill Barrett our lobbyist," in reference to property tax issue.
    3. 02/06/07: In an e-mail, Barrett is asked about proposed legislation, he comments on it and promises to monitor the legislation and keep staff informed.
    4. 02/15/07: E-mail from Bonnie Fraser to Michele Bronson: "Tom referred Bill Barrett, our lobbyist, to you to answer some questions . . ."
    5. 05/03/07: E-mail from Tom Hurt to Bob MacKichan: "Bob I talked with Bill Barrett just before lunch and he said we didn't get any money for our projects . . ."
    6. 05/11/07: Barrett is asked, in an e-mail, to look into CDBG requirements. He





responded that he would look into them.

7. 06/18/07: E-mail from Tom Hurt to William Barrett in which Barrett is asked to obtain some statutory language and he agrees and says he will send the language to the city council,
8. 06/21/07: E-mail from Tonya Haynes, secretary in St. Cloud city hall, indicating she received a fax from Barrett regarding "Workforce Statutes."
9. 06/26/07: E-mail from Tom Hurt stating Barrett was not a registered lobbyist during the 2007 regular session, but still lobbied on behalf of St. Cloud.
10. 08/07/07: E-mail from Michael Turner to Judy Bennett regarding council meeting agenda and Barrett's contract: "He isn't going to do any research or grant administration. He is our lobbyist . . ."
11. 08/07/07: E-mail from Michael Turner to Tom Hurt regarding Barrett's contract assignment and what services are included. The e-mail indicates that they believe the contract is only for lobbying services.

**C. City Council Meetings:**

1. Mr. Barrett presented a legislative update at the February 22, 2007, St. Cloud city county meeting.

**Count II: William Barrett Contracted with the City of Palm Bay as a Lobbyist:**

7. Paragraphs 1-4 realleged.
8. William Barrett contracted with the City of Palm Bay as demonstrated by the following facts:
  - A. Current Contract for William Barrett's Services:
    1. William Barrett and the City of Palm Bay executed a contract on October 13, 2004, for "legislative relations and lobbying services to the City of Palm Bay from 11/01/04 – 11/01/07."
    2. The City of Palm Bay produced purchase orders made payable to Barrett for "official services state lobbyist."
      - a. From January 2007-June 2007 the purchase orders description changed to "services rendered."
      - b. In July 2007 purchase order description is "miscellaneous services."
    3. The June 7, 2007, Palm Bay council meeting agenda asks for status on future payment of Barrett. It sets out that Barrett had not been registered with the State since December 31, 2006.
    4. At the June 21, 2007, council meeting there is a motion to terminate Barrett's contract, but it fails.
    5. On June 25, 2007, Palm Bay says Barrett's contract still in full force and an invoice was being processed for \$4,000.
    6. Barrett was in frequent contact with the City of Palm Bay (most with City



Manager Lee Feldman and City Council Members) from January, 2007 through May, 2007 (while he was not registered).

**B. Correspondence Between Palm Bay Staff and William Barrett:**

1. *02/17/07*: Barrett is e-mailed the Florida League of Cities property tax talking points, polls, etc . . .from Lee Feldman, Palm Bay City Manager.
2. *02/23/07*: E-mail from Lee Feldman to Barrett. Attached is Legislative alert from Florida League of Cities regarding property taxes
3. *03/02/07*: Barrett e-mails Lee Feldman with article regarding medical malpractice insurance rates.
4. *03/05/07*: Barrett e-mails Lee Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with Tallahassee Democrat article detailing the House Democrat property tax plan.  
*03/05/07*: Barrett e-mails Lee Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with article from Palm Beach Post regarding property taxes.
5. *03/05/07*: Barrett e-mails Lee Feldman with article from Washington Post regarding property insurance.
6. *03/14/07*: Lee Feldman e-mail's and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with language for Brevard County regarding ad valorem taxes.
7. *03/14/07*: Barrett e-mail's Lee Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson asking about HB 529 and SB 1772 (cable bill) and asks for Palm Bay's position. Feldman responds that Palm Bay is in opposition to the bills.
8. *03/16/07*: Barrett e-mail's Lee Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson and updates them with regards to special act 74-430.
9. *03/21/07*: Barrett e-mail's Lee Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson and asks them to look at HB 1483 and solicits their position on the bill as well.
10. *03/22/07*: Feldman e-mail's Barrett and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson regarding property tax proposal.
11. *03/22/07*: Follow up e-mail from Feldman to Barrett and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson regarding property tax proposal and rollback numbers.
12. *03/29/07*: Barrett e-mail's Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with article from St. Pete Times regarding budget and property taxes.
13. *03/30/07*: Barrett e-mail's Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with a St. Pete Times editorial regarding property taxes.
14. *04/02/07*: Barrett e-mail's Pat Woodard and cc's Ed Geier and Lee Feldman



- with editorial about Governor Crist.
15. 04/02/07: Barrett e-mail's Feldman and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, and Andy Anderson with Miami Herald article regarding state budget and property taxes.
  16. 04/04/07: Feldman e-mail's Barrett and cc's Ed Geier, Pat Woodard, Donna Brooks, John Mazziotti, Andy Anderson, Sue Hann and Jon Lewis w/ DEP letter indicating that permit fees will increase.
  17. 04/04/07: Barrett responds to above e-mail and can't open attachment; he asks that it be sent in another format.
  18. 04/04/07: Feldman responds to Barrett and describes what the attachment is.
  19. 04/12/07: Feldman e-mail's Barrett and asks for details of Senate plan.
  20. 04/12/07: Barrett responds to Feldman and agrees to above e-mail.
  21. 04/12/07: Barrett e-mail's Feldman several times and outlines Senate property tax plan.
  22. 04/13/07: More e-mail's from Barrett to Feldman regarding Senate property tax plan.
  23. 04/14/07: Barrett e-mail's Feldman, Pat Woodard, Ed Geier, Donna Brooks, Andy Anderson, and John Mazziotti with an attachment of Senate tax plan from workshop.

**Count III: William Barrett Lobbied Legislative Staff and Representatives**

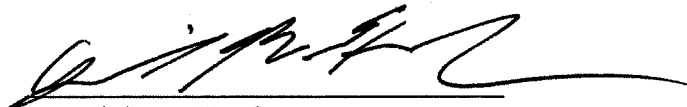
9. Paragraphs 1-4 are realleged.
10. On March 20, 2007: An e-mail correspondence occurs between William Barrett and Rose Hernandez (Representative Attkisson's Aide) regarding scheduling a meeting with the Representative.
11. On August 28, 2007: A letter is received by the Office of the General Counsel from Representative Altman describing meetings with William Barrett (03/07/07) and Ken Grimes.
12. On September 7, 2007: A letter from Representative Attkisson describes meeting with William Barrett on February 14, 2007, regarding tax issues.
13. William Barrett never informed any Legislators or staff that he was not registered to lobby.



In RE: William Barrett  
January 31, 2008  
Page 7

Whereas, the above stated facts constitute probable cause to believe that a violation occurred and is not de minimis, the undersigned hereby transmits this statement for appropriate findings and discipline.

Respectfully Submitted, this 31st day of January, 2008.

A handwritten signature in black ink, appearing to read "Jeremiah M. Hawkes", written over a horizontal line.

Jeremiah M. Hawkes,  
Special Investigator  
Office of the General Counsel  
Room 422, The Capitol  
402 South Monroe Street  
Tallahassee, Florida 32399-1300







