

# DELEGAL | AUBUCHON

201 East Park Avenue, Suite 200B | Tallahassee, FL 32301 | T 850.583.2400  
Delegal | Aubuchon Consulting LLC | [www.dacfl.com](http://www.dacfl.com)

Mark Delegal  
[mark@dacfl.com](mailto:mark@dacfl.com)

December 13, 2022

*Via Email*

Rod E. Colon  
District Manager  
North Springs Improvement District  
9700 NW 52 Street  
Coral Springs, FL 33076  
[rod@nsid.gov](mailto:rod@nsid.gov); [brendas@ndis.gov](mailto:brendas@ndis.gov)

## **Re: Agreement to Provide Lobbying Services for 2023**

Dear Mr. Colon:

This letter will confirm our agreement to perform services on behalf of the North Springs Improvement District (“District”) for the 2023 legislative session. The engagement will begin on January 1, 2023, and will involve representation before the Florida legislative and executive branch agencies on legislation related to matters of concern to the District. Our agreement includes representing the District at the Broward Delegation level and in Tallahassee before the House, the Senate, and the Governor’s Office. In addition, we will represent the District with efforts to amend general law to allow the District to conduct operations in a cost efficient and effective manner, with an emphasis on delivering high quality water, sewer, and storm water service at an affordable and competitive price. We will monitor legislation regarding independent special districts, and will report to you. The purpose of this letter is to outline our engagement.

Delegal Aubuchon Consulting will assist the District by reporting legislative developments and lobbying legislation at your direction during the legislative session and any special session that we have reason to attend. We will consult with you and other District personnel to assist in arriving at appropriate positions and strategies, meet with legislators and other interest groups and influential parties, and perform other activities customarily and ethically performed by lobbyists to halt the passage of adverse legislation.

Regarding the ethics of our profession that will govern our representation, a couple of points deserve emphasis. We will preserve the confidences of our clients. During the term of this engagement, we will not represent another client before the Florida Legislature or regulatory body with interests that are directly adverse to your interests unless and until we make full disclosure to you of all the relevant facts, circumstances, and implications of our undertaking the two representations, and you consent with how we plan to proceed.

The compensation for services to be performed will be \$50,000.00, payable in twelve monthly installments of \$4,166.66 each. The "out of pocket" expenses directly related to your specific representation, such as travel, meals, or other payments to outside vendors, will be billed to you in addition to the amount of the fees. The aggregate amount of costs that we will bill the District in addition to our compensation will not exceed \$5,000 without your prior approval. We will remit an invoice to you on the first day of each month for calendar year 2023.

Delegal Aubuchon Consulting is authorized to subcontract with another consulting firm for the performance of the services contemplated by this agreement. Delegal Aubuchon shall remain responsible to the District for the performance of service; and not more than 50 percent of the duties, responsibilities and commensurate professional fees shall be subcontracted to another firm. Delegal Aubuchon shall provide advance notice of any subcontractor arrangement to the District Manager, and the District Manager may withhold consent after being so informed.

Florida law requires all lobbyists to identify their lobbying clients' "main business" at the time the lobbyists register. The law requires lobbying firms, including individual contract lobbyists, to make quarterly reports on the amount of compensation paid to the lobbyist or lobbying firm for lobbying activities by each lobbying client. The statute defines lobbying as "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."

Florida law also provides the random audits of a specified percentage of lobbying firms shall be made to determine compliance with the legislation. A lobbying firm may also be audited as a result of a failure to file required reports or based on a complaint. The law also required lobbyists and lobbying firms to keep specific records that would substantiate the compensation paid for lobbying activities for four years and to allow auditor access to these records at the request of the auditor. The statute provides for legislative subpoena to obtain the records.

The law imposes similar registration and reporting requirements on those who lobby the executive branch of state government and defines lobbying before the executive branch as "seeking, on behalf of another person, 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." The term "agency" includes the Governor, the Cabinet, and any department, division, bureau, board, commission or authority of the executive branch. Agency officials and employees are specifically defined as those persons required by law to file a full or limited public disclosure of their financial interests.

The statute is intended to be applicable to all lobbyists. You should be advised that DAC's records may be subject to audit, however, DAC will not disclose information relating to any representation that is not required by the statute.

Further, consistent with Florida law, the compensation for services under agreement are allocated into the following two categories: (1) lobbying the legislature and (2) lobbying the executive branch. More specifically:

The portion of time and services under the agreement that is to be devoted to influencing or attempting to influence legislative action or non-action through oral or written communication or attempting to obtain the goodwill of members of the Legislature and employees of the Legislature shall equal seventy-five percent (75%) of the total time and services to be provided under this agreement.

The portion of time and services under the agreement that is to be devoted to influencing or attempting to influence an agency with respect to a decision of the agency in the area of policy through oral or written communication or attempting to obtain the goodwill of an agency official or employee shall equal twenty-five percent (25%) of the total time and services to be provided under this agreement.

Compensation and fees received for lobbying both the executive branch and the legislative branch must be reported on a quarterly basis by the lobbyists regardless of whether or not the lobbyist is an attorney. For reporting purposes, the fees are expressed in a range of fees in \$10,000 increments. These reports are subject to audit for accuracy. As expressed in the paragraph above, the fees received will be reported to the legislature as lobbying compensation in the amounts delineated for the E and legislative branches. Your signature on this letter will serve as consent and authorization for disclosure of this compensation amount.

In addition to the compensation reporting, the Florida House of Representatives, by House Rule 17.1(h), is requiring all lobbyists to file a House appearance record with the House Public Integrity & Ethics Committee identifying the specific matter(s) and each principal represented when the lobbyist is lobbying the House. The House has established a website that lobbyists must use for compliance with this House Rule. Your signature on this letter authorizes Delegal Aubuchon Consulting LLC to comply with this House Rule by identifying the specific matter(s) we are lobbying the House on your behalf.

I appreciate the opportunity to continue our representation of the District. If the terms described above are satisfactory, please so indicate by signing and returning a copy to me via e-mail.

Cordially,



Mark K. Delegal

Accepted by:



~~Red E. Colon~~ Vincent Moretti President  
North Springs Improvement District

Dated: January 4, 2023