



MEMORANDUM

TO: Central Florida Expressway Authority Board
Laura Kelley, Executive Director

FROM: Joseph L. Passiatore, General Counsel 
Linda S. Brehmer Lanosa, Deputy General Counsel 

DATE: April 4, 2016

SUBJECT: Ethics Compliance Review and Discussion of Lobbyist Policy

In accordance with Florida Statute 348.753(8) our office will soon be distributing the attached 2016 Potential Conflict Disclosure Form. We have set July 1st as the filing deadline.

Among the changes to this year's form are sign-off boxes for ethics training. Last year's Ethics Compliance audit recommended that Board members certify compliance to set the tone for the organization. We have also included Instructions for Consultants and promulgated desktop procedures as recommended in the audit.

As part of the CFX enabling statutes, Florida Statute 348.753 8(b) requires the following disclosure to be made annually:

“(b) Whether a relative of a board member, employee or consultant is a registered lobbyist and if so, the names of the lobbyist's clients. Such names shall be provided in writing to the ethics officer.”

The audit recommended that the Board determine whether the current definition “should be revised to better address the objectives of the Florida Statute.” The CFX Ethics policy currently implements this requirement with the following definition:

“Registered Lobbyist” shall mean any person who shall engage in lobbying for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations; and (3) is registered with any local jurisdiction represented on the Authority's Board.”

Currently the City of Orlando, Lake and Orange County are the CFX member entities requiring lobbyist registration and those lists would be utilized under the current definition.

OPTIONS

Basically there are three options available to the Board. The first is to continue to use the lists maintained by the City of Orlando, Lake and Orange County.

The second option available to CFX would be to utilize the list of State of Florida registered lobbyists. There are currently 1,782 registered lobbyists with the Legislative Branch and 1,349 registered lobbyists with the Executive Branch. Our office does not recommend using the State lists.

The third option would be for CFX to create its own list via a registration policy. We have researched the use of lobbying regulations by other expressway authorities. The results are as follows:

<u>Entity</u>	<u>Yes</u>	<u>No</u>
Miami-Dade Expressway Authority	√	
Tampa Hillsborough Expressway Authority		√
St. John's River Water Management District	√	
Lynx		√

The MDX and SJRWMD policies are attached for the Board's review and consideration.

While the policies are fairly straight forward, there would be an administrative cost to implement the policy and maintain current lists.

At the time the CFX Ethics policy was adopted the consensus was that the definition of lobbyists should be based upon the member jurisdictions which had a lobbying ordinance. City of Orlando and Orange County. We recommend continuing to use those lists for the 2016 form. If other jurisdictions choose to adopt a lobbying ordinance then the lobbyists registering with those Counties would be added to the list provided as part of the Form.

REQUESTED ACTION

Our office recommends that the Board accept the 2016 Conflict Disclosure Form, using the lobbying lists provided by the City of Orlando, Lake and Orange County. If the Board wishes to consider a CFX lobbyist registration policy it may direct the Legal Department to prepare a policy for future consideration.

JLP/ml

Attachment: 2016 Potential Conflict Disclosure Form
MDX and SJRWMD Lobbying Policy

cc: Protiviti, Inc.

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
POTENTIAL CONFLICT DISCLOSURE FORM
(Filing Deadline: July 1, 2016)**

Name and Title: _____

Company: _____

Address: _____

Phone Number: _____ Email: _____

Relationship to CFX: ___ Board or Committee Member ___ Employee ___ Consultant

Actual or Prospective Projects: Wekiva Parkway (SR 429)

	Question	Yes	No
1.	Disclosure of Relationships (Refer to Section 348.753(8))		
	Do you have any relationship which affords a current or future financial benefit to you or to your "Relative" or "Business Associate" and which a reasonable person would conclude has the potential to create a prohibited conflict of interest? If yes, check the applicable relationships below and provide full names, addresses, and relationships on page 4 or a separate page.		
1A	Self		
1B	<p>"Relative," as defined in Section 112.312(21), Fla. Stat., means any individual related to you as:</p> <ul style="list-style-type: none">• Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife• In-Laws: father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law• Steps and Halves: stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister• Grands: grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild,• Significant Others: Person who is engaged to be married to you or who otherwise holds himself/ herself out as or is known as the person whom you intend to marry or with whom you intend to form a household• Roommates: Any other person with the same legal residence as you		

Name/Company: _____

	Question	Yes	No
1C	<p>“Business Associate,” as defined in Section 112.312(4), Fla. Stat., and CFX Code of Ethics, Section 6-1.01, means:</p> <ul style="list-style-type: none"> • any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, • co-owner of property, • any person or entity engaged in or carrying on any contractual relationship with a CFX Board member as a principal, partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, • any person or entity engaged in or carrying on a business enterprise, any contractual relationship, employment relationship or otherwise engaging in common investment with a CFX Board member as a principal, partner, member, shareholder, owner, co-owner, joint venture partner, or other investor, whether directly or indirectly, whether through a Business Entity or through interlocking Parent Entities, Subsidiary Entities, or other business or investment scheme, structure, or venture of any nature. 		
1D	Other (explain) _____		
2.	<p>Disclosure of Lobbyists (Refer to Section 348.753(8), Fla. Stat.)</p> <p>Do you have a “Relative” who is a “Registered Lobbyist”? “Registered Lobbyist,” as defined in CFX Code of Ethics, Part 1, shall mean any person who shall engage in lobbying for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations; and (3) is registered with any local jurisdiction represented on CFX’s Board. If yes, list the full names and addresses of the lobbyist and the lobbyist’s clients on page 4 or a separate page.</p>		
3.	<p>Disclosure of Property Interests within a Project (Section 348.753(8), Fla. Stat.)</p> <p>Do you or any of your “Relatives” (see 1B above), principals, clients, or “Business Associates” (see 1C above) have any interest in real property located within any actual or prospective CFX project? The actual or prospective CFX projects are those listed on page 1. The corridor maps and lists reflecting the ownership of all real property within the disclosure areas, or alignment maps with lists of associated owners, are attached. If yes, check the applicable relationship types and disclose full names and addresses and identify the real property on page 4 or a separate page.</p>		
3A	Self		
3B	“Relative” (see 1B above)		
3C	Principal or Client		
3D	“Business Associate” (see 1C above)		
3E	Other (explain) _____		

Name/Company: _____

	Question	Yes	No
4.	Disclosure of Property Interests Within a One-Half Mile Radius of a Project (but Outside of a Project) (Refer to Section 348.753(8), Fla. Stat.) Do you or any of your "Relatives" (see 1B above), principals, clients, or "Business Associates" (see 1C above) have any interest in real property located within a one-half mile radius of any actual or prospective CFX project, but outside of any actual or prospective CFX project? If yes, check the applicable relationship types and disclose the full names and addresses and identify the real property on page 4 or a separate page.		
4A	Self		
4B	"Relative" (see 1B above)		
4C	Principal or Client		
4D	"Business Associate" (see 1C above)		
4E	Other (explain) _____		
5.	Solicitation or Acceptance of Gifts (See Section 112.313(2), Fla. Stat.) Have you solicited or accepted anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that your action or judgment regarding CFX business would be influenced thereby?		
6.	Unauthorized Compensation (Refer to Section 112.313(4), Fla. Stat.) Have you or your spouse or minor child accepted any compensation, payment, or thing of value when you knew, or, with the exercise of reasonable care, should know, that it was given to influence your action regarding CFX business?		
7.	Misuse of Position (Refer to Section 112.313(6), Fla. Stat.) Have you used or attempted to use your position with the CFX or any property or resource which may be within your trust, to secure a special privilege, benefit, or exemption for you or others?		
8.	Conflicting Employment or Contractual Relationship (Refer to Section 112.313(7), Fla. Stat.) Do you have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, CFX, that will create a continuing or frequently recurring conflict between your private interests and the performance of your duties to CFX or that would impede the full and faithful discharge of your duties to CFX, subject to the exemptions set forth in Section 112.313(12) & (15), Florida Statutes?		

Name/Company: _____

	Question	Yes	No
9.	If you are a Board Member, Committee Member, or Employee, answer 9A. If you are a Consultant, answer 9B.		
9A.	Certification of Completion of Training for Board Members, Committee Members, and Employees: <ul style="list-style-type: none">• CFX Code of Ethics: Have you read the CFX Code of Ethics and the PowerPoint presentation on the CFX Code of Ethics and do you acknowledge that you understand the CFX Code of Ethics? The CFX Code of Ethics and PowerPoint presentation are available at CFXway.com.• Florida Code of Ethics: Have you completed training on the Florida Code of Ethics (codified in Chapter 112, Part III, Florida Statutes) and do you acknowledge that you understand the requirements?• Sunshine Law: Have you completed training on the Public Meetings (Sunshine Law) and do you acknowledge that you understand the requirements?• Public Records Act: Have you completed training on Public Records and do you acknowledge that you understand the requirements? <p>Training modules are available at CFXway.com and on the website maintained by the Florida Commission on Ethics at: http://www.ethics.state.fl.us/Training/</p>		
9B.	Acknowledgement of Receipt and Review of the CFX Code of Ethics for Consultants: Have you read the CFX Code of Ethics and do you acknowledge that you understand the CFX Code of Ethics?		

If you answered any of Questions numbered 1 through 8 in the affirmative, provide a detailed explanation below. Attach additional sheets as necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____ Date: _____

Name and Title: _____

Return this form by mail, email or fax to: Darleen Mazzillo, Executive Assistant
Central Florida Expressway Authority
4974 ORL Tower Road, Orlando, FL 32807
Phone: 407-690-5310 F ax: 407-690-5034
Email: Darleen.Mazzillo@CFXWay.com

Name/Company: _____

POTENTIAL CONFLICT DISCLOSURE FORM INSTRUCTIONS

I. OBJECTIVES

"It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist." § 112.311(1), Fla. Stat.

"Board members, employees, and consultants who hold positions that may influence authority decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out authority business." § 348.753(8), Fla. Stat. To prevent such conflicts of interest and preserve the integrity and transparency of the Central Florida Expressway Authority ("CFX") to the public, disclosures must be made annually.

II. TRAINING

The CFX Code of Ethics, the Florida Statutes, and self-training modules are available at CFXway.com and on the website maintained by the Florida Commission on Ethics at: <http://www.ethics.state.fl.us/Training/Training.aspx>.

III. WHEN TO FILE

Each Board Member, Committee Member, and employee shall complete and file the disclosure form upon appointment or hire, upon events that require disclosure, and annually, not later than July 1st.

Each Consultant shall complete and file the disclosure form at the following times: (a) prior to the execution of a contract; (b) upon the occurrence of an event that requires disclosure; and (c) annually, not later than July 1st.

IV. SPECIFIC INSTRUCTIONS FOR CONSULTANTS

Definition of "Consultant." "Consultant" shall mean an individual who is rendering services to the Authority in the nature of time and effort rather than the furnishing of specific commodities. The term applies only to those professional services rendered by individuals who are independent consultants, providing services that may include, but are not limited to, evaluations, consultations, maintenance, financial, auditing, accounting, legal, engineering, management consulting, educational training programs, public relations, legislative advisors, planning, personnel, research and development studies or reports on the findings of consultants engaged thereunder, and professional, technical and social services.

Submit One Form. Consultants that are not sole proprietorships or single-member corporations, should submit one composite disclosure form for the entire entity, rather than one disclosure form

Name/Company: _____

per officer or employee. The composite disclosure form should include all officers, directors, managers, or employees who "hold positions that may influence CFX decisions." Individuals who fall within this category include: (a) all individuals who directly address the CFX Board, any CFX committee, the Executive Director, the Chief Financial Officer, or the Chief of Staff; and (b) the senior officer or officers of the Consultant.

Suggested Practices. Each Consultant shall consider having procedures in place to screen covered employees assigned to the CFX contract for potential personal conflicts of interest, including procedures to prevent personal conflicts of interest, to prohibit use of non-public information accessed through performance of the contract for personal gain, to inform covered employees of their ethical obligations, and to take appropriate disciplinary action in the event of a failure to comply.

V. COMPLIANCE REVIEW PROCESS

The Ethics Officer shall review all disclosure forms to determine if there is a prohibited conflict. If there is a conflict, the Ethics Officer shall determine if the conflict should be disclosed to the Board and whether the conflict may be waived. If the conflict is not waivable, then the person or entity may be disqualified or required to mitigate the conflict, the contract may be terminated, or the conflict may be escalated to the Florida Commission on Ethics. CFX reserves the right to pursue any other right, remedy, or recourse.

VI. PENALTIES FOR VIOLATION

Penalties for a violation of the Florida Code of Ethics, the Sunshine Law, the Public Records Act, and the CFX Code of Ethics are set forth in the CFX Code of Ethics, the Florida Statutes, or the Florida Code of Ethics.

As to Consultants, penalties for a violation include withholding payments until the violation is cured, reduction of payments, or termination of the contract for cause. If the Disclosure Form is submitted, but is incomplete, CFX has the right to withhold payments pending receipt of an explanation of such omissions or to terminate the contract for cause.



MIAMI-DADE EXPRESSWAY AUTHORITY
AN AGENCY OF THE STATE OF FLORIDA
3790 N.W. 21st St. Miami, FL 33142 tel 305.637.3277 fax 305.637.3283
suncom 461.3277 www.mdx-way.com

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) LOBBYIST REGISTRATION POLICY

PURPOSE

It is the policy of the Miami-Dade Expressway Authority that all individuals, firms or corporations employed or retained to influence a procurement matter, a decision by the Board or Committee or a decision or action by the Executive Director must complete and file a MDX Lobbyist Disclosure Form in accordance with this policy.

SPECIFIC REQUIREMENTS

1. "Lobbyist" shall be defined as all individuals, firms or corporations employed or retained to influence a procurement matter, a decision by the Board or a Committee or a decision or action by the Executive Director, even when such matters are not under immediate consideration or pending a decision, when the Lobbyist approaches MDX for such discussion.
2. At least 72-hours before approaching the MDX Board, Committee or Executive Director to discuss a business matter, all Lobbyists are required to file a completed Lobbyist Disclosure Form for each company, contractor, consultant, vendor or any other business entity or interest for which the Lobbyist is petitioning the MDX Board, Committee or Executive Director. The Lobbyist Disclosure Form must also specify the subject matter for which the Lobbyist is petitioning the MDX Board, Committee or Executive Director.
3. The completed and fully executed Lobbyist Disclosure Form must be filed with the MDX Board Secretary at least 72-hours before approaching the MDX Board, Committee or Executive Director for discussion on any MDX business matter.
4. The Lobbyist Disclosure Forms are public records that will be made available on the MDX website under the "Doing Business with MDX" tab and under the "Lobbyist Registry."
5. The Lobbyist Registry shall disclose the name of the Lobbyist and the entity, person, firm, corporation, or association that has employed or retained a Lobbyist. It shall also

disclose all dates on which the Lobbyist has appeared before a meeting of the MDX Board of Directors or Committee or has met with the Executive Director.

6. Lobbyist Registry shall be created on the effective date of this policy and list all Lobbyist activity since January 1, 2015.

This policy shall be effective on the date on which it is adopted by the Governing Board.

Adopted by the MDX Board this April 21, 2015

LOBBYIST REGISTRATION FORM

In accordance with MDX Lobbyist Registration Policy, this form shall be completed in its entirety and submitted to the MDX Board Secretary. No Lobbying activities shall be performed without first receiving a confirmation receipt that the Lobbyist Registration has been completed. Lobbyist must allow at least seventy two (72) hours for processing of the Lobbyist Registration Form and the issuance of the Lobbyist Registration Receipt.

- A. Lobbying Defined:** any individual, firm or corporation employed or retained by a Principal to lobby MDX, which means communicating directly or indirectly, either in person, by telephone, by letter, by electronic means or by any other form of communication, with any member of the MDX Board, Committees (including technical evaluation) or Executive Director, for the purpose of influencing a decision related to any MDX business, even when such MDX business is not under immediate consideration or pending a decision.

No Lobbying activities shall be conducted in the Cone of Silence period during a Procurement Process. (See, MDX Procurement Policy)

B. Lobbyist Information:

Name of Individual: _____
Last First MI

Business Name: _____

Business Address: _____

City State Zip

Business Phone: _____ E-Mail.: _____

C. Principal Information:

Name: _____

Business Address: _____

City State Zip

Business Phone: _____ E-Mail.: _____

LOBBYIST REGISTRATION FORM (CONT.)

D. List all Matters for the above Principal:

E. Lobbyist Oath and Signature:

I do solemnly swear that all of the foregoing facts are true and correct, and I have read or am familiar with the provisions contained in the MDX Lobbyist Registration Policy, as amended, including but not limited to definitions, registration requirements, update requirements, penalties for violations.

_____ Signature	_____ Title
_____ Printed Name	_____ Date

State _____

County of _____

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public

FOR MDX USE ONLY

Received By:

_____ Signature	_____ Title
_____ Printed Name	_____ Date

Included in MDX Lobbyist Registry:

Date



Lobbyist Registration Form St. Johns River Water Management District

For what purpose are you using this form? ☐ New registration ☐ Changes to filed information ☐ Renewal

To what year does this form apply? 20 _____

Full Name of Lobbyist

Name of Principal Represented (only one Principal per form)

Business Address

Principal's Mailing Address

(_____) _____
Telephone Number

(_____) _____
Principal's Telephone Number

Area of Interest

Do you have any direct or indirect business associations, partnership, or financial relationship with any officer or employee of the St. Johns River Water Management District?

☐ No ☐ Yes State with whom and explain: _____

I do solemnly swear or affirm that all the foregoing facts are true and correct.

Signature of Lobbyist

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 _____, by _____

Personally known _____ OR Produced identification _____ Type of Identification Produced _____

Notary Signature

(Seal or Stamp)

Print, Type or Stamp Name of Notary

Instructions for Completing Lobbyist Registration Form

Who must register?

- Any persons who wish to lobby the state's water management districts must register that intent and may not lobby a water management district until registering as a lobbyist. Persons wishing to lobby the St. Johns River Water Management District must register before lobbying the District and renew registration each calendar year thereafter. The renewal deadline is Dec. 31 annually to lobby before the District.

How do I register?

- The registrant must complete a separate registration form for each principal represented. All requested information must be completely filled out. The form will be returned if the registrant's original notarized signature is missing.
- A separate statement authorizing the registrant to represent the principal must be signed by the principal or the principal's representative and included with the registration. The principal's authorization must also identify and designate the principal's main business using the 6-digit NAICS Code. Information about the NAICS code is available at www.NAICS.com.

Changes or cancellations

- Any changes to the information provided on the registration form must be reported in writing to the District Clerk within 15 days.
- The lobbyist or principal may cancel the lobbyist's registration for that principal by submitting a completed Lobbyist Registration Cancellation Form to the District Clerk.

Further information about lobbyists and lobbying may be found at: floridaswater.com/lobbyist.

Return completed form:

Via email to clerk@sjrwmd.com,

or via mail to

District Clerk

St. Johns River Water Management District

ATTN: Lobbyist registration

P.O. Box 1429

Palatka, FL 32178

Authorization to Represent the Principal

Type or print the principal represented and name of lobbyist as they are shown on registration form. Also, describe the main business and provide the NAICS numerical code for the principal. This authorization to represent the principal before the St. Johns River Water Management District for this lobbyist will be carried forward each calendar year if the renewal form submitted by this lobbyist indicates “yes” to renew for the next year. Cancellation of a lobbyist’s registration by the principal must be provided by written notice. Cancellation forms can be found at *floridaswater.com/lobbyist*.

_____, hereby authorizes _____
 Name of Principal Lobbyist's Name
 to represent the principal before the St. Johns River Water Management District.

Description of Principal's Main Business

Signature of Principal or Principal's Representative

NAICS 6-digit code for Principal's Main Business

Print name of Principal/Principal's Representative

Print name of Principal/Principal's Representative

Date

Attach this authorization to your registration form.