

Government Affairs and Lobbying

Overview

Ethics Regulations

We counsel individuals and corporations on the ethics requirements imposed by local and state agencies, including public records laws, sunshine laws, “cone of silence” and procurement regulations, lobbyist restrictions and registration issues, and other compliance matters. Our lawyers have appeared before the Florida Commission on Ethics, and Department of Administrative Hearings on ethics matters, and advised clients on implementing multijurisdictional preventative measures to ensure compliance throughout their corporate footprints.

- **Highlight:** A client needed to understand the impact of local and state ethics requirements related to its government contracts. With a thorough understanding of the client’s business and its nationwide scope, we prepared the detailed legal analysis the general counsel needed, along with user-friendly training materials for the client’s team.

Elections and Campaign Finance

We handle election law and campaign finance matters, representing candidates, political committees, and governments. Candidates consult us on issues related to Florida’s reporting requirements and campaign contribution limits. Our work for political committees has included reorganizing corporate structures to ensure federal and state compliance, and responding to enforcement actions to limit the client’s exposure. Corporate clients turn to us for answers to questions regarding federal and state campaign finance issues. These questions may relate to a single event, or require us to work with the client to develop policies tailored for their organization.

- **Highlight:** We represented the state of Florida as special counsel during the 2016 presidential election, handling multiple fast-paced litigation matters related to Florida’s election process and procedures. Our firmwide regulatory and litigation team was ready to respond to any issue, and devised a statewide approach to handle legal issues that might arise on election day.

Education and Charter Schools

Carlton Fields' education clients include school districts, school superintendents, private schools, charter schools, and universities; as well as private entities that do business with or before school districts and, at the state level, before agencies or the legislature. We represent them in state and federal courts, in arbitrations and mediations, and before state boards of education. In addition, we assist clients with matters at the Florida Department of Education. Our subject matter experience covers construction litigation and construction permitting issues for schools; personnel matters, including employment disputes; lobbying; contractual issues, including lease negotiations and drafting for educational institutions; procurement; and environmental matters, including mold remediation and asbestos abatement.

We have been leaders in the area of charter school law for almost 20 years, representing applicants, existing schools, and school districts in every aspect of charter school law. We are also experienced in dispute resolution between superintendents and school boards. Our firm has been involved in charter school law's evolution in Florida, representing both charter schools and school districts in early, defining cases. Today, we continue to represent successful charter schools that have served exceptional student education (ESE) students for decades.

Highlights:

- We recently prevailed in a dispute with a local quasi-governmental agency regarding Florida's Voluntary Prekindergarten Education Program (VPK) services and helped a new charter applicant to resolve disputes with the sponsoring school district to allow for an expedited opening.
- We are outside general counsel for one of the leading international K-12 private schools, providing guidance on daily issues and representation in negotiations and litigation in all areas.
- Our education law attorneys provide pro bono services, such as representing an ESE student in a dispute with a school district over provision of adequate transportation services, demonstrating our commitment to our communities.

Government Contracts

We advise and represent vendors and contractors seeking and negotiating contracts with state, local, and federal government entities. We guide clients through all phases of the public procurement process, providing information to government entities during the development of procurement solicitation documents, helping public contractor clients prepare responses to competitive procurements, defending and challenging awards through both administrative and judicial proceedings, participating in contract term negotiations, and advising and representing clients in matters regarding contract compliance, including those involving the privatization or outsourcing of major government services or infrastructure projects. We also represent public entities, defending award decisions, and providing legal advice on the implementation of procurement policies and procedures designed to make future procurement litigation less likely.

Licensing and Compliance

We have extensive experience handling all forms of licensing and regulatory applications with Florida's Department of Business and Professional Regulation (DBPR). Our attorneys throughout the state, supported by lawyers, government consultants, and paralegals in Tallahassee, find the most efficient ways to obtain regulatory approval. Industries impacted include construction, engineering, architecture, real estate, condominium, alcoholic beverage, insurance, and health care. We handle all forms of construction licensing for both small businesses and large publically traded companies. We handle specialty liquor license approvals for golf courses, restaurants, hotels, clubhouses, and other facilities, often involving our zoning team to obtain local approval. We combine our regulatory and business law skills to handle clients' quota liquor license transactions.

Highlight: We handled all licensing changes stemming from the merger of two homebuilding clients, including unique issues related to construction and alcohol beverage licensing.

Insurance Company Regulation

We advise and represent life and health insurers, property and casualty insurers, reinsurers, specialty insurers, agents, managing general agents, third-party administrators, and other regulated entities. This work often includes:

- Approval of form and rate filings, and regulatory litigation to contest denials of form and rate submissions.
- Applications for issuance of certificates of authority and other insurance licenses, and litigation to contest denials of licensure.
- Applications for regulatory approval for acquisitions and changes of control.
- Approvals for exemptions from Form A requirements or disclaimers of control in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, North Carolina, New York, Ohio, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin, and Puerto Rico.
- Approval of bulk reinsurance transactions and accredited reinsurer status.

- Market conduct investigations and examinations, financial examinations, and regulatory litigation arising from them; investigations under the federal False Claims Act and its state law counterparts; and investigations under state and federal unfair trade practice laws and similar consumer protection laws.
- Disputes concerning the validity or amount of residual market assessments against insurers, and premium and retaliatory tax assessments.
- Disputes regarding the validity and constitutionality of legislation and agency rules adversely affecting entities regulated under insurance codes.
- Trade secret and proprietary information protection in connection with insurance regulatory reporting requirements and in the course of rehabilitation or liquidation proceedings against impaired or insolvent direct insurers.

We assist insurance clients with corporate transactions, including the formation or acquisition of insurers, corporate restructuring, portfolio transfers, sales or transfers due to insolvency proceedings, and sales of insurance agencies and brokerage firms. We also advise insurance clients on regulatory financial matters concerning surplus notes, administration of deposits, and the status of insurer assets, liabilities, and investments under state insurance statutory accounting statutes.

Open Government, Records, Meetings and Gifts Regulation

We advise and represent government entities, government contractors, and private individuals and entities on open meeting and public records laws, including handling litigation related to public records and “Sunshine” disputes. We assist government entities, and those acting on their behalf, with matters regarding compliance with open government requirements, and also advise private individuals and entities on the applicability of public records law to materials they submit to governmental and quasi-governmental bodies; obtaining access to public records, and applicable exemptions under both open meeting and public records laws. We work with both government officials and private entities on issues relating to gifts and reporting requirements.

ERISA/Retirement Plans Public-Private Partnerships

Lobbying

We help ensure that the interests of the firm’s clients, including homebuilders, insurance companies, and multifamily developers, are well-represented before the Florida legislature, executive agencies, and local governments. Clients typically seek our assistance before the start of the legislative session to work out their annual strategy, but we also handle client emergencies throughout the session. Our Tallahassee team can act quickly, lobbying officials and testifying at hearings. We partner with other firm lawyers to solve litigation issues by lobbying for legislative changes. We regularly meet with state and local officials on behalf of our clients, and have developed long-term relationships with decision-makers.

Highlights:

- Helped client obtain revisions of antiquated statutes that adversely affected its financial position. As a result of the statutory changes, the client was able to strengthen its financial condition by approximately \$35 million.
- Prevented legislative changes that targeted our clients' financial interests.

Insights

05.26.2022

New Legislation From Florida Special Session on Property Insurance Reform

05.23.2022

Florida Special Session on Property Insurance Reform: What Insurers Need to Know

10.19.2021

Workers Compensation Rate Hearing and Proposed Cat Fund

10.19.2021

Workers' Compensation Rate Hearing and Proposed Cat Fund

10.18.2021

FOIR Releases Guidance on New Disclosure Requirements for Health Insurers, MCOs

09.16.2021

The Three R's of LTC Insurance and Wellness: Regulation, Rebates, and RBOs

09.01.2021

Ensuring an Informed Public: State Open Records and Meetings Laws

American Bar Association

04.01.2021

Defense Lawyers Can 'Rewrite' the Sentencing Guidelines, One Case at a Time

The Champion, National Association of Defense Counsel

01.28.2021

Florida Legislation Protects Businesses From COVID-19 Lawsuits

11.12.2020

Gauging the Impact on Employers of the 2020 Presidential Election: Part Two

10.06.2020

Gauging the Impact on Employers of the 2020 Presidential Election - A View from the Nation's Capital

05.22.2020

2020 Florida Legislative Post-Session Report

01.14.2020

Florida's Legislature to Consider Consumer Data Privacy Bill Akin to California's CCPA

07.26.2019

Are You Lobbying? A Primer for Those Working With Local Government

06.10.2019

Legislation Impacts Citizen Petitions for Florida Constitutional Amendments

04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

01.16.2019

Multiple Bills Filed in Florida Legislature to Limit or Repeal the Florida Constitution Revision Commission

05.10.2018

2018 Florida Legislative Post Session Report

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Related Capabilities

Practices

- Construction
- Health Care
- Captive Insurance
- Development
- Construction Litigation
- Corporate Law and Governance
- Energy and Utilities
- Environmental Regulation & Litigation

Industries

- Construction
- Health Care
- Life, Annuity, and Retirement Solutions

- Environmental, Land Use & Development Approvals and Litigation
- ERISA Employee Benefit Plan Litigation
- Financial Services Regulatory
- Government Law & Consulting
- Labor & Employment
- Public-Private Partnerships
- Real Property Litigation
- Public and Private Offerings
- Reinsurance
- Nonprofit Organizations
- Construction Transactions
- Administrative Litigation and Appeals
- Government Contracts
- Education
- Cannabis Law