

November 4, 2019

State of Florida  
Attorney General Ashley Moody  
Chair Kimberly Rezanka, Florida Commission on Ethics

Dear Attorney General Moody and Chair Rezanka:

As you may be aware, efforts have been underway in South Florida to persuade local governments in Miami and Fort Lauderdale to file lawsuits against major energy companies. There is new evidence that the driving force behind this push is international in origin. We believe that this activity not only violates the Foreign Agents Registration Act (FARA), but also deserves close and continued scrutiny by Florida's executive branch.

Public records unearthed by two groups, Energy Policy Advocates<sup>1</sup> and Government Accountability and Oversight,<sup>2</sup> reveal that a group called the Institute for Governance & Sustainable Development<sup>3</sup> lobbied elected officials in several U.S. cities, including Miami and Fort Lauderdale, in an effort to persuade those cities to file "public nuisance" lawsuits against energy companies for impacts to the environment. This effort, and Fort Lauderdale's subsequent decision not to file such a lawsuit, was reported in some detail by the Florida Record<sup>4</sup> in a May 6th article.

The evidence reveals that a major player in these efforts is Chris Hohn, a British citizen who is the founder of London-based TCI (The Children's Investment) Fund Management Ltd.,<sup>5</sup> an activist hedge fund. In 2018, Hohn's foundation contributed \$7 million to the Center for Climate Integrity to help the group "initiate, coordinate and support ground-breaking cases in multiple countries" against energy companies.<sup>6</sup> The Center for Climate Integrity funded by Hohn is under the umbrella of The Institute for Governance & Sustainable Development, the same group that lobbied Miami and Fort Lauderdale.

Through financial contributions, Hohn is also tied to an American network of climate activists, including Richard Wiles, the executive director of the Center for Climate Integrity<sup>7</sup> and Climate Communications and Law, which publishes Climate Liability News, a news outlet dedicated to

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<sup>1</sup> [epadvocates.org/](http://epadvocates.org/)

<sup>2</sup> [govoversight.org/](http://govoversight.org/)

<sup>3</sup> [www.igsd.org/](http://www.igsd.org/)

<sup>4</sup> Florida Record, May 6, 2019, "Fort Lauderdale says it has no intention of filing suit against fossil fuel companies"

<sup>5</sup> <https://www.tcifund.com/>

<sup>6</sup> <https://ciff.org/grant-portfolio/centre-climate-integrity/>

<sup>7</sup> [www.igsd.org/initiatives/the-center-for-climate-integrity/](http://www.igsd.org/initiatives/the-center-for-climate-integrity/)

climate litigation.<sup>8</sup> This website is also published by Kert Davies, the director of Climate Investigations Center. This is a nexus of foreign money, climate activism, and local government action that raises suspicion and deserves a closer look. Such a nexus potentially violates both the Lobbying Disclosure Act<sup>9</sup> and the Foreign Agents Registration Act.<sup>10</sup>

It is doubtful that officials in Miami or Ft. Lauderdale realized they were being lobbied by groups funded by and tied to foreign entities in potential violation of both the Lobbying Disclosure Act and the Foreign Agents Registration Act. Fortunately, Fort Lauderdale rejected this foreign influence and elected instead to stand down from filing a lawsuit. Fort Lauderdale city attorney Alain Boileau told<sup>11</sup> the media on May 6th of this year, “We have no intention of filing a lawsuit.” Explaining the city’s position further, Mayor Dean Trantalis also explained to the South Florida Sun Sentinel<sup>12</sup> in September that the city was “going to have to remain in a holding pattern,” reserving the right to file a lawsuit later “if we find that someone has been able to establish a legal foothold.”

The Florida State Hispanic Chamber of Commerce position on these types of lawsuits has been clear: Fort Lauderdale and other local governments should not be wasting tax dollars pursuing litigation that is absolutely going to fail. Moreover, the U.S. Supreme Court ruled unanimously nearly a decade ago that Congress, not the courts, is the appropriate body to address the issue of climate change. Using the courts is not only the wrong approach, but it creates a possible backdoor energy tax on customers if major paydays are awarded in these lawsuits. This could mean a higher cost of energy for power customers and force drastic cutbacks power consumption for vulnerable populations.

The reality is that lawsuits will never accomplish what business entrepreneurs, innovation and technology can. The answer is not lawsuits; it is continued investment in real-world solutions.

These are the kinds of solutions that Governor DeSantis himself has pursued. His dogged advocacy for funding for environmental restoration and water resource management, including efforts related to the Everglades, will make a real difference for Florida.<sup>13</sup> His approach has been one of action and results, not of using the courts to make political statements. This same approach - one that values action - has also been pursued by manufacturers, leading to a reduction of carbon dioxide emissions by nearly 30 percent since 2010. By investing in new technologies, manufacturers and the 367,000 Floridians they employ are part of the solution instead of part of the problem.<sup>14</sup>

Fort Lauderdale was right to reject a lawsuit that will do nothing to help the environment, but does threaten to do much to hurt manufacturers and consumers. The city deserves applause.

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<sup>8</sup> <https://www.climateliabilitynews.org/>

<sup>9</sup> [https://lobbyingdisclosure.house.gov/amended\\_lda\\_guide.html](https://lobbyingdisclosure.house.gov/amended_lda_guide.html)

<sup>10</sup> <https://www.justice.gov/nsd-fara>

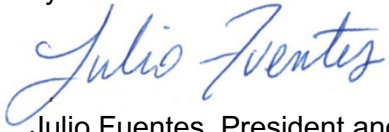
<sup>11</sup> Florida Record, May 6, 2019, “Fort Lauderdale says it has no intention of filing suit against fossil fuel companies over climate change”

<sup>12</sup> South Florida Sun Sentinel, September 21, 2019, “Big Oil is getting sued for climate change, but some cities won’t join the legal fight”

<sup>13</sup> Miami Herald, May 8, 2019, “Is Ron DeSantis really Florida’s green governor? We’re about to find out.”

<sup>14</sup> Palm Beach Post Op-ed by Julio Fuentes, Florida State Hispanic Chamber of Commerce, President and CEO, January 20, 2019, “Instead of suing industry Florida cities should embrace cooperation to address climate issues”

On the other hand, they deserve close investigation into the forces who lobbied their city leaders to launch lawsuits. This includes getting to the bottom of whether foreign persons like Chris Hohn exerted undue influence and violated the Lobbying Disclosure Act and the Foreign Agents Registration Act. We urge the Florida Attorney General's office, the Florida Ethics Commission, and other Florida officials to investigate these potential violations of the law and denounce foreign entities that have interfered with commercial activity and Florida's legal system.



Julio Fuentes, President and CEO

Cc: Senator Dennis Baxley, Ethics & Elections Committee  
Senator Oscar Braynon II, Ethics & Elections Committee  
Representative Thomas Leek, Public Integrity & Ethics Committee  
Representative Cord Byrd, Public Integrity & Ethics Committee