

12**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS***Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting***3/20/2018****BCC MEETING DATE****TO:** Michael D. Wanchick, County Administrator**DATE:** February 22, 2018**FROM:** Rebecca C. Lavie, Senior Assistant County Attorney**PHONE:** 904 209-0805**SUBJECT OR TITLE:** Discussion on lobbyist regulations**AGENDA TYPE:** Business Item**BACKGROUND INFORMATION:**

At the February 6 Board of County Commissioners meeting, the Board directed the County Attorney's Office to provide the Board with an overview of lobbying regulations from around the state as well as possible options for a St. Johns County lobbying ordinance. Florida law provides for the registration of lobbyists who lobby the State Legislature, executive agencies, the Constitutional Revision Commission, and the Water Management Districts. Although the State Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes) does not contain lobbyist registration for local governments, Section 112.326, Florida Statutes permits counties to impose additional requirements by ordinance. This office has reviewed lobbyist regulations put into place by other counties around the state and has found that these regulations typically address the following areas: (1) Registration of lobbyists (including disclosure of principals); (2) Disclosure of lobbyists' compensation and expenditures; (3) Contingency fees; (4) Tracking of lobbyists' contacts with public officials; (5) Treatment of attorney lobbyists; and (6) Lobbying in connection with competitive solicitations. This office seeks direction from the Board regarding preparation of an ordinance regulating lobbyist activity.

1. IS FUNDING REQUIRED? No **2. IF YES, INDICATE IF BUDGETED.** No **IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:****INDICATE FUNDING SOURCE:****SUGGESTED MOTION/RECOMMENDATION/ACTION:**

No action is required by the Board at this time. However, staff seeks direction with respect to the preparation of a County ordinance regulating lobbyist activity.

For Administration Use Only:**Legal:** N/A**OMB:** N/A**Admin:** KS 3/7/2018

**Please note that all highlighted
information is referring to all Counties
and Cities that have adopted a Lobbyists
Ordinance**

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3. [Bay](#) - Bayou George, Bear Creek, Callaway, Cedar Grove, Fountain, Hiland Park, Laguna Beach, Lynn Haven, Mexico Beach, Millville, Panama City, Panama City Beach, Parker, Rosemary Beach, Sand Hills, Sandy Creek, Southport, Springfield, West Bay, West Panama City Beach, Youngstown

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29. [Holmes](#) - Bethlehem, Bonifay, Esto, Noma, Ponce De Leon, Westville

30. [Indian River](#) - Fellsmere, Florida Ridge, Gifford, Indian River Shores, North Beach, Orchid, Roseland, Sebastian, Vero Beach, Vero Lake Estates, Wabasso Beach, West Vero Corridor, Winter Beach

31. [Jackson](#) - Alford, Bascom, Campbelltown, Cottondale, Cypress, Graceville, Grand Ridge, Greenwood, Jacob City, Malone, Marianna, Sneads, Two Egg

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34. [Lake](#) - Altoona, Astatula, Astor, Bassville Park, Clermont, Eustis, Forest Hills, Fruitland Park, Grand Island, Groveland, Howey-In-The-Hills, Lady Lake, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Mount Plymouth, Okahumpka, Paisley, Sorrento, Tavares, Umatilla, Yalaha

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42. [Martin](#) - Arundel, Hobe Sound, Hutchinson Island South, Indiantown, Jensen Beach, Jupiter Island, North River Shores, Ocean Breeze Park, Palm City, Port Mayaca, Port Salerno, Sewall's Point, Stuart, William Field

43. [Miami-Dade](#) - [Aventura](#), [Bal Harbour](#), Bay Harbor Islands, Biscayne Park, Coconut Grove, Coral Gables, Cutler Bay, Doral, El Portal, Florida City, [Golden Beach](#), Goulds, [Hialeah](#), [Hialeah Gardens](#), [Homestead](#), [Indian Village](#), [Islandia](#), [Kendall](#), [Key Biscayne](#), [Leisure City](#), [Medley](#), [Miami](#), [Miami Beach](#), [Miami Gardens](#), [Miami Lakes](#), [Miami Shores Village](#), [Miami Springs](#), [North Bay Village](#), [North Miami](#), [North Miami Beach](#), [Opa-Locka](#), [Palmetto Bay](#), [Pinecrest](#), [Pinewood](#), [Princeton](#), [Richmond Heights](#), [South Miami](#), [Sunny Isles Beach](#), [Surfside](#), [Sweetwater](#), [Virginia Gardens](#), [West Miami](#), [Westchester](#), [Westwood Lake](#)

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45. [Nassau](#) - Amelia City, Amelia Island, American Beach, Bryceville, Callahan, Crawford, Dyal, Evergreen, Fernandina Beach, Franklinton, Hilliard, Kent, Lessie, Nassauville, Nassau Village-Ratliff, O'Neil, Yulee

46. [Okaloosa](#) - Baker, Crestview, Deerland, Destin, Escambia Farms, Fort Walton Beach, Holt, Lake Lorraine, Laurel Hill, Mary Esther, Niceville, Ocean City, Shalimar, Svea, Valparaiso

47. [Okeechobee](#) - Basinger, Cypress Quarters, Fort Drum, Okeechobee, Taylor Creek, Up the Grove Beach

48. [Orange](#) - Alafaya, Apopka, Bay Lake, Belle Isle, Bithlo, Christmas, Doctor Phillips, Eatonville, Edgewood, Fairway Shores, Goldenrod, Gotha, Hunter's Creek, Lake Buena Vista, Lockhart, Maitland, Meadow Woods, Oakland, Ocoee, [Orlando](#), Orlovista, Pine Castle, Pine Hills, Southchase, South Apopka, Taft, Tangerine, Union Park, Wedgefield, Williamsburg, Windermere, Winter Garden, Winter Park, Zellwood

49. [Osceola](#) - Campbell, Celebration, Champions Gate, Deer Park, Four Corners, Harmony, Holopaw, Intercession City, Kenansville, Kissimmee, Narc oossee, Poinciana, Reunion, St. Cloud, Yeehaw Junction

50. [Palm Beach](#) - Aberdeen, Atlantis, Belle Glade, Belle Glade Camp, Boca Raton, Boynton Beach, Bryant, Canal Point, Cypress Lakes, Delray Beach, Golden Lakes, Golf, Greenacres, Hamptons at Boca Raton, Highland Beach, High Point, Juno Beach, Juno Ridge, Jupiter, Jupiter Inlet Colony, Kings Point, Lakeside Green, Lake Clarke Shores, Lake Harbor, Lake Park, Lake Worth, Lake Worth Corridor, Lantana, Loxahatchee Groves, Mission Bay, North Palm Beach, Okeelanta, Pahokee, [Palm Beach Gardens](#), [Riviera Beach](#), Royal Palm Beach, Royal Palm Estates, Sandalfoot Cove, South Bay, Tequesta, Twentymile Bend, Wellington, [West Palm Beach](#)

51. [Pasco](#) - Aripeka, Bayonet Point, Crystal Springs, Dade City, Dade City North, Elfers, Gulf Harbors, Holiday, Hudson, Jasmine Estates, Lacoochee, Land O' Lakes, New Port Richey, New Port Richey East, Odessa, Port Richey, San Antonio, Shady Hills, Trinity, Wesley Chapel, Wesley Chapel South, Zephyrhills, Zephyrhills North, Zephyrhills South, Zephyrhills West

52. [Pinellas](#) - Baskin, Bellair, Bellair Beach, Boca Ciega, [Clearwater](#), Crystal Beach, Dunedin, East Lealman, East Lake, Feather Sount, Gandy, Gulfport, Indian Rocks Beach, Kenneth City, Largo, Madeira Beach, Oldsmar, Ozona, Palm Harbor, Pass-A-Grille Beach, Pinellas Park, Redington Shores, Ridgecrest, Safety Harbor, Seminole, South Highpoint, South Pasadena, St. Petersburg, St. Pete Beach, Sunset Beach, Tarpon Springs, Tierra Verde, Treasure Island, West Lealman

53. [Polk](#) - Auburndale, Babson Park, Bartow, Bowlinbg Green, Bradely Junction, Brewster, Combee Settlement, Crooked Lake Park, Crystal Lake, Cypress Gardens, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Fussels Corner, Gibsonia, Green Pond, Haines City, Highland Park, Highlands City, Hillcrest Heights, Indian Lake Estates, Jan Phyl Village, Inwood, Kathleen, Lake Alfred, Lake Hamilton, Lake Wales, Lakeland, Lakeland Highlands, Mulberry, Polk City, Willow Oak, Winter Haven, Wahneta, Waverley

54. [Putnam](#) - Bardin, Crescent City, East Orange, East Palatka, Florahome, Fruitland, Georgetown, Hollister, Huntington, Interlachen, Lake Como, Melrose, Orange Mills, Palatka, Pomona Park, Putnam Hall, San Mateo, Satsuma, Welaka

55. [Santa Rosa](#) - Avalon Beach, Bagdad, Gulf Breeze, Jay, Milton, Munson, Navarre, Pace

56. [Sarasota](#) - Bee Ridge, Englewood, Gulf Gate Estates, Laurel, Nokomis, Northport, North Sarasota, Osprey, Sarasota, Sarasota Springs, Siesta Key, Southgate, South Venice, The Meadows, Vamo, Venice, Warm Mineral Springs

57. [Seminole](#) - Altamonte Springs, Casselberry, Forest City, Geneva, Goldenrod, Heathrow, Lake Mary, Lake Monroe, Longwood, Oviedo, Sanford, Wekiva Springs, Winter Springs

58. [St Johns](#) - Crescent Beach, Elkton, Fort Matanzas, Fruit Cove, Hastings, Marineland, Palm Valley, Ponte Vedra, Ponte Vedra Beach, St. Augustine, St. Augustine Beach, St. Augustine Shores, Switzerland, Vilano Beach

59. [St. Lucie](#) - Fort Pierce, Fort Pierce South, Hutchinson Island, Lakewood Park, Port St. Lucie, Port St. Lucie-River Park, White City

60. [Sumter](#) - Bushnell, Center Hill, Coleman, Lake Panasoffkee, Sumterville, Oxford, The Villages, Webster, Wildwood

61. [Suwannee](#) - Branford, Dowling Park, Live Oak, McAlpin, O'Brien, Wellborn

62. [Taylor](#) - Perry, Steinhatchee

63. [Union](#) - Lake Butler, Raiford, Worthington Springs

64. [Volusia](#) - Daytona Beach, Daytona Beach Shores, DeLand, DeBary, De Leon Springs, Deltona, Edgewater, Lake Helen, Orange City, Ormond Beach, Ormond-By-The-Sea, Holly Hill, New Smyrna Beach, Orange City, Osteen, Pierson, Port Orange, Seville

65. [Wakulla](#) - Crawfordville, Medart, Panacea, Sopchoppy, Smith Creek, St. Marks, Wakulla

66. [Walton](#) - DeFuniak Springs, Freeport, Miramar Beach, Paxton, Point Washington, Redbay, Santa Rosa Beach

67. [Washington](#) - Chipley, Ebro, Greenhead, New Hope, Sunny Hills, Vernon, Wausau

ALACHUA COUNTY

CHAPTER 68. - LOBBYIST REGISTRATION

Sec. 68.01. - Intent and purpose, legislative findings.

The county commission of Alachua County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence county commissioners, on matters within its official jurisdiction, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.02. - Definitions.

Agency means any federal, state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

Clerk means the Alachua County Clerk of the Circuit Court.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any county commissioner, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the county commission. Lobbying shall include communication occurring at a public meeting of the commission.

Lobbyist means a person who, for the purpose of lobbying, is:

- (1) Retained, for monetary or non-monetary compensation;
- (2) Employed by another person or entity principally to lobby on behalf of that other person or entity; or
- (3) Who contracts for present or future economic consideration of any kind.

Person means any individual, business, corporation, association, firm, partnership, not-for-profit organization, or other organization or group.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.03. - Registration of lobbyists required; registration statements.

- (a) *Registration required.* All lobbyists, as defined herein, shall register with the clerk prior to engaging in any lobbying and annually by July 1st thereafter. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to

the registration statement. A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

- (b) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the clerk a registration statement containing the following information:
- (1) The lobbyist's full name, residence address, business name, business address and nature of business.
 - (2) The full name and address of all persons on whose behalf the lobbyist will be lobbying.
 - (3) The general and specific subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Alachua County. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section.
 - (6) Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying.
- (c) *Registration fee.* The clerk may charge a reasonable fee at the time of initial registration and each annual registration. There shall be no fee required for the filing of an amendment.
- (d) *List of current lobbyists.* The clerk shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.
- (e) *Disclosure of registration.* Prior to engaging in a communication that is for the purpose of lobbying, a lobbyist shall disclose that he or she is a registered lobbyist and state on whose behalf the lobbyist is lobbying.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.04. - Exceptions.

The following persons are not required to register as a lobbyist pursuant to this chapter:

- (1) Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties;
- (2) An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, or commission who communicates on the record;
- (3) Consultants under contract with Alachua County who communicate with commissioners regarding issues related to the scope of services in their contract;
- (4) Those persons who, in their individual capacity and without compensation of any kind, merely communicate with the county commission for the purpose of self representation;
- (5) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.05. - Penalties.

- (a) If the county manager, or his or her designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, including the requirement to file an amended registration statement, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation.
- (b) There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible, including an amended registration statement, is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation.
- (c) If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the county commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission for a period of time not to exceed one year. The county commission may also rescind the notice of violation if it deems appropriate.
- (d) The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the county may pursue, including injunctive relief.
- (e) The validity of any action taken by the county commission shall not be affected by the failure of any person to comply with the provisions of this chapter.

(Ord. No. 2014-11, § 1, 6-10-14)

ALACHUA COUNTY (CITY OF GAINESVILLE)

Chapter 29 - LOBBYIST REGISTRATION ACT^[1]

Footnotes:

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Editor's note— Prior to the reenactment of Ch. 29 by Ord. No. 070688, adopted July, 28, 2008, section 4 of Ord. No. 3777, adopted June 10, 1992, repealed former Ch. 29, which pertained to zoning and was derived from Ord. No. 2650, adopted Oct. 26, 1981, as amended. For a detailed listing of amendments to Ord. No. 2650 see the Code Comparative Table for Ordinances at the end of this volume.

Sec. 29-1. - Intent and purpose.

The city commission of the City of Gainesville, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city commissioners or board members of the community redevelopment agency (CRA), on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-2. - Definitions.

Agency means any federal, state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or board member of the CRA, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission or the CRA.

Lobbyist means any person who is employed and receives payment, or who contracts for present or future economic consideration of any kind, for the purpose of lobbying.

Person means any individual, business, corporation, association, firm, partnership, not-for-profit organization, or other organization or group.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-3. - Registration of lobbyists required; registration statements.

(a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the clerk of the commission a registration statement containing the following information:

- (1) The lobbyist's full name, residence address, business address, and nature of business.

- (2) The full name and address of his or her employer, if any.
 - (3) The general and specific subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Gainesville. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section,
- (b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission or the CRA.
 - (c) *List of current lobbyists.* The clerk of the commission shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-4. - Exceptions.

The following persons are not required to register as a lobbyist pursuant to this chapter:

- (1) Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties;
- (2) An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, CRA or commission;
- (3) Those persons who, in their individual capacity and without compensation of any kind, merely communicate with the city commission or board members of the CRA for the purpose of self representation;
- (4) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-5. - Penalties.

- (a) If the clerk of the commission, or their designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation.
- (b) There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation.
- (c) If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the city commission may warn, reprimand, or censure

the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or the CRA for a period of time not to exceed one year. The city commission may also rescind the notice of violation if it deems appropriate.

- (d) The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the city may pursue, including the issuance of a civil citation and/or injunctive relief.
- (e) The validity of any action taken by the city commission or the CRA shall not be affected by the failure of any person to comply with the provisions of this chapter.

(Ord. No. 070688, § 1, 7-28-08)

BROWARD COUNTY II

ARTICLE XIII. - LOBBYING ACTIVITIES^[16]

Footnotes:

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Editor's note— Ord. No. 2001-15, §§ 1—9, adopted May 8, 2001, amended former Art. XIII, §§ 1-260—1-265, in its entirety to read as herein set out. Former Art. XIII pertained to similar subject matter and derived from Ord. No. 79-85, §§ 1—6, adopted Aug. 15, 1979.

Sec. 1-260. - Title; intent and purpose.

- (a) Sections 1-260 through 1-266 of Chapter 1, Broward County Code, may be cited as the "Broward County Lobbyist Registration Act."
- (b) The Board of County Commissioners of Broward County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence County Commissioners, decision-making bodies under the jurisdiction of the Board of County Commissioners, and certain County employees on matters within their official jurisdictions, either by direct communication to such Commissioners, decision-making bodies, or County employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2001-15, § 1, 5-8-01)

Sec. 1-261. - Definitions.

As used in this article, unless the context otherwise indicates:

- (a) *Board* means the Board of County Commissioners of Broward County, Florida.
- (b) *Lobbying or Lobbying Activities* means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:
 - (1) Made on the record at a duly-noticed public meeting or hearing; or
 - (2) From an attorney to an attorney representing Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County.
- (c) *Person* means any individual, business, corporation, association, firm, partnership, organization, group, or other entity, whether operated for profit or not for profit.
- (d) *Lobbyist* means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - (3) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (e) *Employer* means any person providing or agreeing to provide compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.
- (f) *Compensation* means paying or agreeing to pay or give, directly or indirectly, any money, anything of value, or reimbursement of expenses (in whole or in part), in consideration for the performance of lobbying activities.
- (g) *Covered Individual* means (i) any member of the Board of County Commissioners; (ii) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners; (iii) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County procurement; (iv) any employee of Broward County that has authority to make a final decision regarding a public procurement; and (v) the head of any department, division, or office of Broward County who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.
- (h) *Final Decision-Making Authority* means (i) the Board of County Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of County Commissioners; and (iii) any employee of Broward County that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

(Ord. No. 2001-15, § 2, 5-8-01; Ord. No. 2009-34, § 1, 6-23-09; Ord. No. 2009-67, § 1, 10-13-09; Ord. No. 2011-19, § 4, 10-11-11)

Editor's note— Section 7 of Ord. No. 2011-19, enacted Oct. 11, 2011, which partially amended § 1-261, provided that no provision of said ordinance shall be applicable to Municipal Officials until January 2, 2012.

Sec. 1-262. - Lobbying registration, statements, and fees.

- (a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall:
- (1) File with the County Administrator, in form prescribed by the County Administrator, an annual registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business name, business address, and nature of business.
 - b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the

registration statement in form prescribed by the County Administrator, containing all the information required in the annual registration statement.

- c. The general and specific subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Broward County. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of the action providing such authorization shall be attached to the registration statements.
- (2) Pay to the County Administrator's Office an annual Fifty Dollar (\$50) registration fee for each employer, identified on an annual or amended registration statement, on whose behalf he or she intends to lobby, whether he or she was retained directly by the employer or by another Lobbyist retained by the employer. The registration fees required by this section shall be expended by the County Administrator's Office solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.
- (b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
 - (c) Registration statements are effective from July 1 of a given year through June 30 of the following year. Registration fees paid under (a)(2) above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.
 - (d) *Disclosure Statement Required.*
 - (1) On or before July 15 of each year, each lobbyist shall submit to the County Administrator's Office, in form prescribed by the County Administrator, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from July 1 of the prior year through June 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.
 - (2) The County Administrator shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:
 - a. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be Fifty Dollars (\$50) per day for each late day.
 - b. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due.
 - c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless timely appeal is made to the Board.

- d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.
 - e. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the Board, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.
- (e) *List of Current Lobbyists.* The County Administrator's Office shall keep a current list of registered lobbyists and their respective statements required under this article, all of which shall be open for public inspection.
 - (f) *Partial Year Filing Required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d)(1) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 2001-15, § 3, 5-8-01; Ord. No. 2009-34, § 2, 6-23-09; Ord. No. 2009-67, § 2, 10-13-09)

Sec. 1-263. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2001-15, §§ 4, 5, 5-8-01)

Sec. 1-264. - Contingency fees; disclosure; penalties.

- (a) "Contingency fee" means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the Board.
- (b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to Subsection 1-262(d).
- (c) In addition to the penalties provided in Section 1-265, any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 2001-15, § 6, 5-8-01; Ord. No. 2009-67, § 3, 10-13-09)

Sec. 1-265. - Penalties.

- (a) The County Attorney or County Administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of this act, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the Board.
- (b) The Board shall warn, reprimand, as suspend, or prohibit the violator from appearing on behalf of any person before the Board or any decision-making body under the jurisdiction of the Board or from

otherwise lobbying for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of this act, except as provided in 1-264(c). The intentional failure or refusal of any lobbyist to comply with any order of the Board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the County may pursue, including injunctive relief.

- (c) The validity of any action taken by the Board, County employees, or any decision-making body under the jurisdiction of the Board, shall not be affected by the failure of any person to comply with the provisions of this article.
- (d) In addition to all other penalties in this section, an employer who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262. If, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer, the County may, on that basis, exercise any contractual right to terminate the contract for convenience.

(Ord. No. 2001-15, § 7, 5-8-01; Ord. No. 2009-34, § 3, 6-23-09)

Sec. 1-266. - Cone of silence.

- (a) *Definitions.* For purposes of this section, reference to one gender shall include the other, use of the plural shall include the singular, and use of the singular shall include the plural. The following definitions apply unless the context in which the word or phrase is used requires a different definition:
 - (1) *Affected Person* means any person, and that person's support staff, appointed, hired, designated, or authorized to evaluate, rank, recommend, or select a Vendor or a Vendor's response to a Competitive Solicitation or to make an award in a Competitive Solicitation process.
 - (2) *Competitive Solicitation* means a formal process by Broward County relating to the acquisition of goods or services, which process is intended to provide an equal and open opportunity to qualified persons and entities to be selected to provide the goods or services. The term shall not include a competitive process which seeks to enter into a contract or award money to perform governmental, quasi-governmental, social, or human services primarily for charitable, benevolent, humanitarian, or other philanthropic purposes, such as the award of grants or support assistance to organized nonprofit entities that promote or assist with the care, education, health, standard of living, or general welfare of people in the Broward County community, or that promote or assist community or neighborhood enhancements.
 - (3) *Cone of Silence* means a period of time during which there is a prohibition on communication regarding a particular Competitive Solicitation.
 - (4) *Evaluation or Selection Committee* means a group of persons appointed or designated by the County Administrator or the Director or head of a County office, agency, department, or division, or their designee, to evaluate, rank, select, or make a recommendation regarding a Vendor or the Vendor's response to the Competitive Solicitation.
 - (5) *Vendor* means a person or entity that has entered into or that lobbies to enter into a contract with Broward County, or that seeks an award from Broward County to provide goods, perform a service, render an opinion or advice, or make a recommendation related to a Competitive Solicitation for compensation or other consideration.
 - (6) *Vendor's Representative* means an owner, individual, employee, partner, officer, or member of the board of directors of a Vendor, or a consultant, lobbyist, or actual or potential subcontractor

or subconsultant who acts at the behest of a Vendor in communicating regarding a Competitive Solicitation.

- (b) *Prohibited communication.* Except as set forth in subsection (e), a Cone of Silence shall be in effect during the course of a Competitive Solicitation as provided in subsection (c) between:
 - (1) Any person or entity, including a Vendor or Vendor's Representative, that seeks a contract, award, recommendation, or approval related to a Competitive Solicitation or that is subject to being evaluated or having its response evaluated in connection with a Competitive Solicitation, and
 - (2) Any County Commissioner, Commissioner's staff, the County Administrator, Deputy County Administrator, Assistant County Administrator, Assistants to the County Administrator, their respective support staff, any member of the Evaluation or Selection Committee appointed for the competitive solicitation, or Affected Person as defined in subsection (a)(1).
- (c) *Effective dates.* A Cone of Silence shall begin and shall end for Competitive Solicitations within the scope of this Ordinance as follows:
 - (1) For any County Commissioner or the Commissioner's staff, a Cone of Silence shall be in effect during a Competitive Solicitation beginning upon the first meeting of the Evaluation Committee (for a Request for Proposals—RFP) or Selection Committee short listing (for a Request for Letters of Interest—RLI) or at the time of the opening of submissions in response to Invitations for Bids. For the County Administrator, Deputy County Administrator, Assistant County Administrator, Assistants to the County Administrator, their respective support staff, any member of an Evaluation or Selection Committee appointed for the competitive solicitation, or Affected Person as defined in subsection (a)(1), a Cone of Silence shall be in effect during a Competitive Solicitation upon the approval of the Selection Committee for a Request for Letters of Interest, upon the approval of the Evaluation Committee for a Request for Proposals, or at the time of advertisement for Invitations for Bids.
 - (2) The Cone of Silence shall terminate at the time the Board of County Commissioners or other authorized person makes final award or gives final approval of a contract, rejects all bids or responses to the Competitive Solicitation, or takes other action which ends the Competitive Solicitation.
- (d) *Notice.* When the Cone of Silence becomes effective for a particular Competitive Solicitation, the Broward County Administrator or designee shall provide public notice of the effectiveness of this Ordinance to the Competitive Solicitation. The County Administrator shall also include a statement that generally discloses the requirements of this Ordinance in the public notice and, if any, the solicitation document for the goods or services.
- (e) *Permitted communication.*
 - (1) Nothing in this section shall prohibit a County Commissioner, the County Commissioner's office personnel, and other County employees from communicating with each other.
 - (2) Nothing contained in this section shall prohibit a County Commissioner or the County Commissioner's office personnel from initiating contact with a Vendor or Vendor's Representative and subsequent communication related thereto for the purpose of obtaining further information regarding the Competitive Solicitation.
 - (3) The Cone of Silence shall not apply to communications with the County Attorney and his or her office personnel, the County Auditor and his or her office personnel, or with other County personnel, provided that such person is not a member of the Evaluation or Selection Committee appointed for the competitive solicitation or an Affected Person as defined in subsection (a)(1).
 - (4) Nothing contained in this section shall prohibit any Vendor or Vendor's Representative:
 - a. From making public presentations at pre-bid conferences or at a selection meeting related to the Competitive Solicitation;

- b. From engaging in contract negotiations during a public meeting related to the Competitive Solicitation;
 - c. From making a public presentation to the County Commission during any public meeting of the Board;
 - d. From communicating with the person or persons designated in the Competitive Solicitation as the contact person for clarification or information related to the Competitive Solicitation; or
 - e. From communicating in writing as provided in subsection (5) below.
- (5) The Director of Purchasing or designee shall accept written communications from a Vendor or Vendor's Representative during the time a Cone of Silence is applicable to a Competitive Solicitation. Such writing, including any response thereto, shall be provided to the person or the members of the applicable committee appointed or designated to recommend a Vendor for award . The writing shall also be attached to the Board agenda item for the award or for approval of the contract under the applicable Competitive Solicitation.
- (f) *Violations.*
- (1) A complaint alleging a violation of this ordinance may be filed with the County's Office of Intergovernmental Affairs and Professional Standards. In each such instance, an investigation shall be performed and the results of each investigation, including a determination of violation, if any, shall be set forth in a written report. If there is a determination of violation, a fine shall be imposed against the Vendor in the maximum amount provided in Subsection 8½-16(f)(34) of the County Code of Ordinances.
 - (2) A copy of the report and notice of the imposition of a fine, if any, as provided for in this subsection (f), shall be mailed, return receipt requested, to the Vendor and the person who has been investigated.
 - (3) A person or the Vendor who is determined by the Office of Intergovernmental Affairs and Professional Standards to have violated this Ordinance may appeal such determination within the time and in the manner provided in Section 21.120 of the Broward County Administrative Code. If the determination is appealed and a final decision is rendered by a hearing officer, the decision of the hearing officer shall be the final determination. If no appeal is timely filed or if no final determination is made by a hearing officer, the determination of the Office of Intergovernmental Affairs and Professional Standards shall be final.
 - (4) After a determination becomes final, a copy of the report or final decision of the hearing officer shall be furnished to the Board, the Vendor, and the person who was investigated. Notice and demand for payment of any fine imposed shall be included with the final determination.
 - (5) A determination of violation shall render any award to a Vendor who is found to have violated this Ordinance voidable, at the sole discretion of the Board.
 - (6) If a Vendor is determined to have violated the provisions of this Ordinance on three occasions, the Purchasing Director shall initiate debarment proceedings pursuant to Section 21-119 of the Broward County Administrative Code.

(Ord. No. 2001-15, § 8, 5-8-01; Ord. No. 2004-31, § 1, 8-24-01; Ord. No. 2007-09, § 1, 5-8-07; Ord. No. 2011-06, § 1, 3-8-11)

Sec. 1-267. - Registration of contacts.

All persons shall sign, at each time of contact, the contact logs maintained and available in the office reception areas of the Board of County Commissioners and each department of County Government. The person shall state his or her name; the name of each employer, if any, represented in the course of the

particular contacts; with whom the contact is made; and the topic of the contact. The contact logs shall be transmitted to the County Administrator at the end of each quarter.

(Ord. No. 2001-15, § 9, 5-8-01)

Secs. 1-268—1-275. - Reserved.

BROWARD COUNTY I

Sec. 1-19. - Code of ethics for elected officials.

- (a) *Statement of Policy.* It is the policy of Broward County that the Board of County Commissioners work for the benefit of the citizens of the County and elected officials of municipalities work for the benefit of the citizens of their respective municipalities. County Commissioners and elected municipal officials shall not receive any personal economic or financial benefit resulting from their service on their local governing bodies beyond legally authorized direct compensation. It is the responsibility of each County Commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their services, and to avoid even the appearance or perception of impropriety.
- (b) *Definitions.* For purposes of this Elected Official Code of Ethics:
- (1) " *Contractor* " means any person or entity currently under contract with the applicable local governmental entity.
 - (2) " *Covered Individual* " means (i) any member of the Board of County Commissioners; (ii) any member of a governing body of any municipality within Broward County; and (iii) any municipal mayor. For purposes of the prohibition on lobbying under section (c)(2) below, "Covered Individual" also includes (i) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; (ii) any individual directly appointed to a County or municipal employment position by the Board of County Commissioners, by a governing body of any municipality within Broward County, or by a municipal mayor; (iii) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (iv) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County or municipal procurement; (v) any employee, any official, or any member of a committee of Broward County or of any municipality within Broward County that has authority to make a final decision regarding a public procurement; (vi) the head of any department, division, or office of Broward County or of any municipal government who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority; and (vii) members of other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.
 - (3) " *Elected Official* " means any member of the Board of County Commissioners and any Municipal Official as defined below.
 - (4) " *Filed for Public Inspection* " means either (a) that the form is completed legibly and is filed with the applicable governmental entity's chief administrative official or clerk, with a copy of the form or all information contained thereon subsequently inputted into the applicable governmental entity's database, which database shall be searchable by internet; or (b) all required information, including an input date and electronic signature, is directly inputted into the database, which database is searchable by internet. For any municipality that does not maintain a website sufficient to meet the requirements of this paragraph, the form or information may be inputted into a database maintained by the Broward League of Cities, provided that database is searchable by internet.
 - (5) " *Final Decision-Making Authority* " means (i) the Board of County Commissioners; (ii) the governing body of any municipality within Broward County; (iii) municipal mayors; (iv) final decision-making bodies under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; and (v) any employee, official, or committee of Broward County or of any municipality within Broward County that has authority to make a final decision to select a vendor or provider in connection with a public procurement. For purposes of the prohibition of lobbying under section (c)(2)

below, "Final Decision-Making Authority" also includes other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.

- (6) "*Immediate Family Member*" means a parent, spouse, child, sibling, or registered domestic partner.
- (7) "*Lobby*," "*Lobbying*," or "*Lobbying Activities*" means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. "Lobbying" does not include communications:
 - a. Made on the record at a duly-noticed public meeting or hearing; or
 - b. From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.
- (8) "*Lobbyist*" means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
 - a. An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - c. Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (9) "*Municipal Official*" means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County.
- (10) "*Outside or Concurrent Employment*" means providing services for any person or entity, other than the Elected Official's governmental employer, in exchange for remuneration. For purposes of disclosing outside or concurrent employment and remuneration therefrom, the Elected Official's employer is the person or entity that pays the salary, wages, or other compensation, not the individual clients or customers of that person or entity.
- (11) "*Relative*" shall have the meaning stated in Section 112.3135, Florida Statutes.
- 12) ("*Remuneration*" means the monetary payment received in return for services provided in connection with outside or concurrent employment, including salary, wages, commissions, tips, and bonuses (collectively, "wages"). "Remuneration" also includes (a) profit and other distributions received from a person or entity that has paid wages during the applicable disclosure period; and (b) direct employer contributions into retirement plans (including pensions, 401K, and deferred compensation plans). Notwithstanding anything to the contrary stated above, remuneration does not include gifts, business expense reimbursements, paid training (including travel incident thereto), direct employer contributions toward insurance and other employee benefits (other than retirement plan contributions), and return of capital or payment of interest related to a return of one's capital contribution.

(13) " *Vendor* " means a person or entity that is currently supplying any goods or services to the applicable local governmental entity, that has supplied any goods or services to the applicable local governmental entity within the current or prior two (2) calendar years, or that has, by submitting a response to a currently-open competitive solicitation, expressed an interest in supplying any goods or services to the applicable governmental entity. Commencing January 1, 2017, "Vendor" shall also include a person or entity that submitted a response to a competitive solicitation during the current or prior two (2) calendar years.

All operative words or terms used in this Elected Official Code of Ethics but not defined herein shall be as defined, in order of priority in the event of inconsistency, by Part III of Chapter 112, Florida Statutes, the Broward County Code of Ordinances, and the Broward County Administrative Code.

(c) *Standards of Conduct.* In addition to the provisions of Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and 839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply to each Elected Official.

(1) *Acceptance of Gifts.*

- a. No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept any gift, directly or indirectly, with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, or any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County.
- b. Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a maximum value of \$50.00 per occurrence. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis* . A governmental entity giving a gift to its own Elected Official shall not be considered a gift from an "other source" for purposes of the \$50.00 limitation.
- c. The \$50.00 limitation does not apply to gifts given to Elected Officials in their personal (nonofficial) capacity. Such gifts are still subject to the reporting requirements of Section 112.3148, Florida Statutes.
- d. When not otherwise permitted by this part (c)(1), "Acceptance of Gifts," the following items may be accepted to the full extent permissible under state law:
 1. Items customarily given to express condolences or sympathy, such as flowers, food items, or cards, given to an Elected Official in connection with the death or significant injury or illness of the Elected Official or an immediate family member of the Elected Official;
 2. Training, including the payment or reimbursement of expenses incurred in connection therewith, provided the training relates to the Elected Official's public service. The receipt of such training is deemed to directly benefit the public on whose behalf the Elected Official serves;
 3. Nonalcoholic beverages; and
 4. Admission tickets to charitable events available to the public, provided that any Elected Official or governmental office staff of the Elected Official who receives such tickets shall:

- a. Within fifteen (15) days after receiving such tickets, files for public inspection a disclosure form stating the name of the donor, the value of the tickets received, and the date and location of the event; and
- b. Within thirty (30) days after the event, reimburses the donor for the value of the food and beverages consumed by the person(s) using the tickets.

(2) *Outside/Concurrent employment.*

- a. Elected Officials shall not lobby any covered individual. Such lobbying is deemed to be in substantial conflict with the proper discharge of an Elected Official's duties in the public interest.
- b. Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes. All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Office of the County Attorney, which form shall provide the option of disclosing an exact remuneration amount or one (1) of the following amount ranges: Under \$1,000; \$1,001—\$5,000; \$5,001—\$10,000; \$10,001—\$25,000; \$25,001—\$50,000; \$50,000—\$100,000; Over \$100,000. Remuneration in the form of direct employer contributions into retirement plans may be disclosed in the reported exact remuneration amount or by checking the box on the applicable form indicating that such remuneration has been received. The disclosure of remuneration from outside or concurrent employment, if any, shall be done quarterly by County Commissioners and annually by Municipal Officials. The required disclosure form must be filed for public inspection within thirty (30) days after the end of each calendar quarter for County Commissioners, and, for Municipal Officials, must be filed by July 1 of the year after the calendar year in which the outside or concurrent employment occurred.
- c. No immediate family member or County or municipal office staff of an Elected Official shall lobby any covered individual or, except as permitted in the sentence immediately below, conduct business as a vendor or contractor with the local governmental entity served by the Elected Official. An immediate family member of an Elected Official may conduct business as a vendor or contractor with the local governmental entity served by the Elected Official where such activity is permissible under state law, provided that the Elected Official attests in writing, on a form filed for public inspection within fifteen (15) days after such attestation, that such immediate family member and the Elected Official do not share a primary residence, the immediate family member is not listed as a dependent on the Elected Official's most recently filed federal tax return, and that the Elected Official is not listed as a dependent on the immediate family member's most recently filed federal tax return. Any conduct of business as a vendor or contractor in violation of this paragraph shall be deemed to provide a prohibited financial benefit to the Elected Official.

(3) *Lobbyists.*

- a. Elected Officials should avoid even the appearance of impropriety in their interaction and dealings with lobbyists registered under their local governmental entity's lobbyist registration system and with the principals or employers of such lobbyists.
- b. The changes to this section (c)(3) shall take effect April 1, 2016. To promote full and complete transparency, lobbyists who lobby an Elected Official must, contemporaneously with the lobbying activity or as soon thereafter as is practicable (but in any event within three (3) business days after the lobbying activity occurs), legibly complete a contact log which contains the following information:
 1. The lobbyist's name;
 2. The name of the entity by which the lobbyist is employed;
 3. The name of the person or entity for whom or which the lobbyist is lobbying;

4. The name of each Elected Official lobbied by the lobbyist;
 5. The name of each person attending or participating in any portion of the meeting or communication during which the lobbying activity occurred;
 6. The date and time of the meeting or other communication during which the lobbying activity occurred;
 7. The location of the meeting and mode of communication, as applicable (e.g., in person, by telephone, by email exchange); and
 8. The specific subject matter discussed in such meeting or communication.
- c. The obligation to complete the contact log referenced in paragraph (b) above applies regardless of the location of the lobbying activity and applies whether the activity occurs in person, by telephone, by electronic communication, by video conference, or in writing.
 - d. The contact log referenced in paragraph (b) above shall be filed for public inspection.
 - e. By April 1, 2016, the County and each municipality covered by this code shall create and maintain an online contact log system accessible by registered lobbyists. In lieu of creating and maintaining its own online contact log system, any municipality may utilize any such system maintained by the Broward League of Cities, provided such municipality provides a link to such system on the municipality's website. For any municipality that fails to create an online contact log system by April 1, 2016, or fails to maintain the system thereafter, and further fails to use, by April 1, 2016, any such system maintained by the Broward League of Cities, any lobbyist disclosure required by this section (c)(3) shall be required to be filed by the lobbied Elected Official.

(4) *Honest Services.*

- a. An Elected Official may not engage in a scheme or artifice to deprive another of the material intangible right of honest services or any activity in contravention of his or her duty to provide loyal service and honest governance for the residents of the governmental entity that he or she serves.
- b. This section shall be construed, to the extent possible, in accordance with the standards and intent set forth under 18 U.S.C. § 1346, as may be amended, and Chapter 838, Florida Statutes.

(5) *Solicitation and Receipt of Contributions.*

- a. Charitable Contribution Fundraising.
 1. The solicitation of funds by an Elected Official for a nonprofit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.
 2. To promote the full and complete transparency of any such solicitation, an Elected Official shall disclose, on a form created by the Office of the County Attorney, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that requested that the Elected Official engage in the charitable fundraising solicitation. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Official.
 3. An Elected Official may not use staff or other resources of his or her governmental entity in the solicitation of charitable contributions.
 4. The requirements and prohibitions of this subpart shall not apply to actions of an Elected Official in connection with charities or fundraising events formally approved by the official's governmental entity.

5. Salary received by a Municipal Official from a nonprofit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization.
- b. Campaign Contribution Fundraising.
1. It is the intent of this code to promote the full and complete transparency of campaign contributions received by Elected Officials, consistent with the disclosure requirements provided by state statute.
 2. Any campaign finance disclosure that an Elected Official must submit to the Supervisor of Elections, or to the appropriate municipal election official, in accordance with the provisions of Chapter 106, Florida Statutes, shall, contemporaneously, be filed for public inspection. Where such disclosure forms are inputted into a separately maintained searchable-by-internet public database, the "filed for public inspection" requirement shall be deemed met by providing a link to that separate database on the governmental website on which the other disclosure forms filed by Elected Officials of that governmental entity may be accessed.
 3. Elected Officials who solicit campaign contributions for other candidates for public office shall disclose, on a form created by the Office of the County Attorney, the name of the candidate for whom they are soliciting, the location and date of any associated event, and both the name and contribution amounts of any individual who provided contributions, directly or indirectly, to the Elected Officials for subsequent delivery to the candidate. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Officials.
 4. An Elected Official may not use any staff or other resources of his or her governmental entity in the solicitation or receipt of campaign contributions.
 5. Campaign or political contributions may not be made, solicited, or accepted in any government-owned building.
- c. The Board of County Commissioners shall be prohibited from waiving the provisions of Section 18.63 of the Broward County Administrative Code as it pertains to the County's acceptance of donations.

(6) *Procurement Selection Committees.*

- a. It shall be a conflict of interest for any Elected Official to serve as a voting member of a Selection/Evaluation Committee in connection with any prospective procurement by the Elected Official's governmental entity. Elected Officials shall not be included as members on any Selection/Evaluation Committee and shall not participate or interfere in any manner at Committee meetings or in the selection of Committee members, which members shall be appointed by the County Administrator or appropriate municipal staff, as relevant. Upon the completion of the selection process by the Committee, Elected Officials may inquire into any and all aspects of the selection process and express any concerns they may have to their Purchasing Director or, where applicable, other employee with responsibility to oversee the procurement process.
- b. The prohibitions stated in the preceding paragraph shall not apply to strong mayors with a charter-prescribed strong mayor form of government or to Elected Officials who, under their charter, are required to participate in the procurement process in a manner that would be inconsistent with such prohibitions. The prohibitions stated in the preceding paragraph shall also not apply to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body. Additionally, the prohibitions stated in the preceding paragraph shall not be interpreted as prohibiting any Elected Official from

attending any Selection/Evaluation Committee meeting provided the Elected Official does not actively participate or otherwise interfere in the meeting.

(7) *Financial Disclosure.*

- a. Each County Commissioner, contemporaneously with the annual filing of the Form 6 Disclosure of Financial Interest with the State of Florida Commission on Ethics, shall file such form for public inspection. Each Municipal Official, contemporaneously with the annual filing of the Form 1 Statement of Financial Interests with the Broward County Supervisor of Elections, shall file such form for public inspection. Where such disclosure forms are inputted into a separately maintained searchable-by-internet public database, the "filed for public inspection" requirement shall be deemed met by providing a link to that separate database on the governmental website on which the other disclosure forms filed by Elected Officials of that governmental entity may be accessed.

(8) *Advisory Opinions.*

- a. Any Elected Official may request an advisory opinion about how the Broward County Elected Official Code of Ethics applies to his or her own situation. Requests for opinions from County Commissioners shall be made to the Broward County Attorney or to the County Attorney's designee. Requests for opinions from Municipal Officials shall be made to the municipality's chief attorney or to that attorney's designee. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion, and such facts shall be recited in the issued opinion. If at any time after receipt of a request, the advising attorney believes that additional information is needed, the Elected Official requesting the opinion shall furnish such additional information promptly upon request from the advising attorney.
- b. Until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for the advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's action may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements.
- c. The Elected Official shall ensure that, within fifteen (15) days after he or she receives an advisory opinion, the opinion is sent in searchable .jpg" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions to be maintained by the County.

(d) *Training and Education.*

- (1) **Newly Elected Officials Training Requirement.** In addition to meeting the annual training requirement referenced in paragraph (d)(2) below, Newly Elected Officials shall, between election and one hundred twenty (120) days after taking office, receive a minimum of four (4) hours of training from their governmental entity's attorney (or as directed by that attorney) which addresses ethics topics including Section 8, Article II, of the Florida Constitution, the state's Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes), Florida's public records and public meetings laws, and the ethical standards imposed by the Board pursuant to its authority under Section 112.326, Florida Statutes. Each Newly Elected Official shall certify his or her participation in this training in a form filed for public inspection within fifteen (15) days after the completion of such training or within fifteen (15) days after taking office, whichever is later. At least two (2) hours of this training shall be received in an interactive setting (group or individual). Additional training for Newly Elected Officials offered by the Florida Association of Counties or the Florida League of Cities is strongly encouraged. For purposes of this paragraph, Newly Elected Officials are those Elected Officials who did not occupy an office that was subject to this code at any time within the one-year period prior to their current election to office.

- (2) Annual Training Requirement. Each Elected Official shall, on an annual basis, attend or participate in a minimum of four (4) hours of continuing education training which addresses ethics topics including Section 8, Article II, of the Florida Constitution, the state's Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes), Florida's public records and public meetings laws, and the ethical standards imposed by the Board pursuant to its authority under Section 112.326, Florida Statutes. Training programs may be available through regional universities, municipal or local government organizations, or through state or regional Bar associations. Commencing January 1, 2017, the four (4) hour annual training requirement shall be met on a calendar-year basis, and at least two (2) hours of annual training during each calendar year shall be received in an interactive setting (group or individual). Each Elected Official shall annually certify that he or she has met this requirement in a form filed for public inspection within thirty (30) days after the end of each calendar year. To facilitate the transition to a calendar-year cycle, Elected Officials shall be deemed to have met the annual training requirement for their term year which commenced in 2016 if they received, during calendar year 2016, at least four (4) hours of ethics training on the topics of Sunshine Law, public records, and public service ethics, with at least two (2) hours of that training occurring in an individual or group interactive setting.
- (3) The certifications referenced in this section (d) shall provide the date of each training session, the number of hours completed during each session, and the mode of each session (i.e., live individual training, live group training, online training, or watching/listening to recorded materials).

(Ord. No. 2010-22, § 1, 8-10-10; Ord. No. 2011-19, § 1, 10-11-11; Ord. No. [2015-55](#), § 1, 12-8-15; Ord. No. [2017-01](#), § 1, 1-10-17)

BROWARD COUNTY (CITY OF COCONUT CREEK)

ARTICLE XIII. - LOBBYISTS

Sec. 2-1000. - Intent and purpose.

The city commission of the City of Coconut Creek, Florida, hereby determines and declares that the intent and purpose of this article is to comply with the mandates of Broward County Ordinance No. 2011-19, which ordinance requires the registration of persons intending to lobby municipal elected officials.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1001. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Legislation means any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the city commission, a city board, or committee; or any action, decision or recommendation of the city manager or city staff regarding any legislation to be considered or foreseeably to be considered by the city commission, city boards, or committees.

Lobbying means communicating directly or indirectly, either in person, by telephone, letter, electronic means or other method, with the city commission members, city board members or committee members or the city manager or city staff for the purpose of influencing legislation or other official action. Lobbying does not include the activities of a person undertaken in connection with a request for information, the submission of an application for a city permit, making inquiries regarding such application or providing any information required to be submitted in support of such application. Lobbying does not include communications:

- (a) Made on the record at a duly-noticed public meeting or hearing; or
- (b) From an attorney to an attorney representing the City of Coconut Creek regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Coconut Creek.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (a) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (b) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual unless the individual is principally employed by that person or entity to lobby.
- (c) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (d) Any employee, any officer, or any board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

Principal means a person who authorizes a lobbyist to act on their behalf as an agent to undertake lobbying.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1002. - Lobbying registration and statements.

- (1) Registration required. Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk and provide under oath the following information for each principal that the lobbyist represents:
 - (a) The lobbyist's full name, business name and address, telephone number, fax number and email address as well as the nature of business, occupation, or profession.
 - (b) The name, business name, business address and nature of the business, occupation or profession of the lobbyist's principal.
 - (c) The general and specific subject matters that the lobbyist seeks to influence.
 - (d) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Coconut Creek. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
- (2) A lobbyist representing a person or entity shall, prior to engaging in lobbying, receive appropriate written authorization from said person or entity to lobby on that person's or entity's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person or entity shall be provided with the information required by this section.
 - (a) Completed registration forms shall be public records and open to public inspection, copying, and in an on-line data base.
 - (b) Each lobbyist who withdraws representation for a principal shall file with the city clerk notice of withdrawal as a lobbyist for that principal.
 - (c) The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article. The registration must be signed by the lobbyist and attested to under penalty of perjury. The city clerk may approve a form of registration consistent with this article, which shall be used in all cases, except where unavailable.
 - (d) A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.
 - (e) An annual lobbyist registration fee may be established by resolution of the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.
 - (f) Registration will be yearly, running from October 1 to September 30 of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one (1) annual registration form is required per principal. However, if any of the information required in the registration form is new or changed (for example, a new principal, or a new specific subject of lobbying), then the lobbyist must supplement or amend the registration before additional lobbying.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1003. - Statement of representation.

All persons engaging in lobbying activities shall make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission members, city board members or committee members or the city manager or city staff, stating the name of the principal for whom he or she is lobbying. In addition, the city clerk shall maintain a contact log, which shall contain all of the information required in section 2-1002, and shall be required every time a lobbyist meets with or intends on meeting with city commission members, city board members, or committee members.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1004. - Persons excluded.

The following persons shall not be required to register or make a statement of representation and shall not be prohibited from lobbying:

- (1) Any person who in his or her individual capacity communicates with the city commission members, city board members or committee members or city manager or city staff for the purpose of self-representation without compensation or reimbursement for such communication, to express support of or opposition to any legislation.
- (2) Any person who lobbies as a representative of a not-for-profit corporation or entity such as a homeowners association without compensation or reimbursement for the appearance.
- (3) Any public officer, employee or appointee who only appears in his or her official capacity.
- (4) Notwithstanding any provision to the contrary in this article, no person shall be required to register solely as a result of the fact that the person has spoken at any public hearing or public meeting in the City of Coconut Creek, Florida.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1005. - Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission members, city board members or committee members or the city manager or city staff for a period not to exceed two (2) years.

(Ord. No. 2011-030, § 2, 12-8-11)

BROWARD COUNTY (CITY OF CORAL SPRINGS) - ARTICLE X

Sec. 2-330. - Intent and purpose

The City Commission of the City of Coral Springs, Florida hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts related to their official duties, either by direct communication to such city representatives or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-331. - Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Legislation. Any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the city commission, a city board or committee; or any action, decision or recommendation of the city manager or city staff regarding legislation to be considered or foreseeably to be considered by the city commission, city board, or committee. Legislation does not include hearings before a special magistrate in code enforcement.

Lobbying or lobbying activities. A communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:

- (a) Made on the record at a duly-noticed public meeting or hearing; or
- (b) From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.

Lobbyist. A person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (a) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (b) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (c) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (d) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person. Any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. 2010-107, § 2, 4-20-10; Ord. No. 2012-103, § 2, 1-17-12)

Sec. 2-332. - Lobbying registration

- (a) *Registration required.* Except as provided in section 2-334, prior to engaging in lobbying activities, every lobbyist shall file with the city clerk and provide under oath the following information:
- (1) The lobbyist's full name, business address and name and nature of business, occupation or profession;
 - (2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals;
 - (3) The general and specific subject matters that the lobbyist seeks to influence;
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Coral Springs. For purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation; and
 - (5) Any lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist on behalf of the person shall be provided with the information required by this subchapter.
- (b) Completed registration forms shall be public records and open to public inspection.
- (c) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk a notice of withdrawal as a lobbyist for that person.
- (d) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this subchapter.
- (e) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining those records and making them available to the public.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-333. - Statement of representation

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-334. - Reserved.

Editor's note— Ord. No. 2012-103, § 2, adopted January 17, 2012, repealed § 2-334, which pertained to persons excluded. See also the Code Comparative Table.

Sec. 2-335. - City commission disclosure

Prior to voting on any city commission decision, members of the city commission shall disclose any ex parte communication with any lobbyist.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-336. - Penalties

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.

The validity of any action taken by the commission, city employees, or any decision-making body under the jurisdiction of the commission, shall not be affected by the failure of any person to comply with the provisions of this subchapter.

(Ord. No. 2010-107, § 2, 4-20-10)

BROWARD COUNTY (CITY OF DANIA BEACH)

ARTICLE XI. - LOBBYIST REGULATIONS

Sec. 2-230. - Definitions.

- (a) The following terms, when used in the article, shall have the meaning ascribed to them in this article, unless the context indicates otherwise:

Contractor means any person or entity having a contract with the City of Dania Beach, Florida (the "city").

Covered individual means:

- (i) Any member of the city commission of the city;
- (ii) Any member of a final decision-making body under the jurisdiction of the city commission;
- (iii) Any individual directly appointed to a city employment position by the city commission;
- (iv) Any individual serving on a contractual basis as the city's chief legal counsel (i.e., city attorney) or chief administrative officer (i.e., city manager), when such individual is acting in his or her official capacity;
- (v) Any member of a selection, evaluation, or procurement committee of the city that ranks or makes recommendations to any final decision-making authority regarding a city procurement;
- (vi) Any employee, official, or member of a committee of the city that has authority to make a final decision regarding a public procurement; and
- (vii) The head of any department, division, or office of the city government who makes final recommendations to a final decision-making authority of the city regarding items that will be decided by the final decision-making authority of the city.

Elected official means any member of the city commission of the city.

Filed for public inspection means that a lobbyist registration form is completed legibly and is filed with the city clerk, with a copy of the form or all information contained on it placed into the city's governmental database, which database shall be searchable by internet.

Final decision-making authority means:

- (i) The city commission;
- (ii) The mayor;
- (iii) Final decision-making bodies under the jurisdiction of the city commission;
- (iv) Any employee, official, or committee of the city who or which has authority to make a final decision to select a vendor or provider in connection with a public procurement by the city; and
- (v) Any other quasi-judicial boards, appointed boards, and commissions of the city.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:

- (a) Made on the record at a duly-noticed public meeting or hearing; or
- (b) From an attorney to an attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (a) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
 - (b) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
 - (c) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (d) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (b) All operative words or terms used in this article not defined in this ordinance shall be as defined, in order of priority in the event of inconsistency, by F.S. Pt. III Ch. 112, the Broward County Code of Ordinances, and the Broward County Administrative Code.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-231. - Lobbyist registration.

- (a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall:
 - (1) File with the city clerk, in a form prescribed by the city clerk, an annual registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business name, business address, email address, and nature of business.
 - b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in a form prescribed by the city clerk, containing all the information required in the annual registration statement.
 - c. The general and specific subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from such group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other written documentation of the action providing such authorization shall be attached to the registration statement.
 - f. A lobbyist representing a principal or employer shall file a copy of a written statement of the principal or employer confirming authorization to lobby for the principal or employer.
 - (2) Pay to the city clerk's office an annual one hundred dollars (\$100.00) registration fee for each principal or employer, identified on an annual or amended registration statement, on whose

behalf he or she intends to lobby, whether he or she was retained directly by the principal or employer or by another lobbyist retained by the principal or employer. The registration fees required by this section shall be expended by the city clerk's office solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist, who is lobbying as a volunteer for a non-profit organization, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities, but shall be required to register.

- (b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
- (c) Registration statements shall cover the time period of January 1 of a given year through December 31 of the same year. Registration fees paid under (a)(2) above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.
- (d) Disclosure statement required.
 - (1) On or before January 15 of each year, each lobbyist shall submit to the city clerk's office, in a form prescribed by the city clerk, a signed statement under oath, disclosing all lobbying expenditures, and the sources from which funds for making such expenditures have come. The statement shall provide such information with respect to all lobbying activities undertaken from January 1 of the prior year through December 31 of that year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel; provided however, that any such expenses and any other costs incurred solely in connection with lobbying activities must be submitted. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.
 - (2) The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:
 - a. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be fifty dollars (\$50.00) per day for each late day.
 - b. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due.
 - c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless timely appeal is made to the city commission.
 - d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.
 - e. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the city commission, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.
- (e) List of current lobbyists. The city clerk's office shall keep a current list of registered lobbyists and their respective statements required under this article, all of which shall be open for public inspection.

The city clerk shall routinely provide a copy of the lobbyist registration list to city commission members.

- (f) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d)(1) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-232. - Reporting of lobbying activities.

- (a) To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a city commissioner for the purpose of engaging in lobbying activities, either at the commissioner's offices or elsewhere on the city government's premises, must legibly complete a contact log, listing each city commissioner with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.
 - (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity or person by which or by whom the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any principal or employer of the lobbyist who is present at any meeting at which the communication is made; the name of each city commissioner with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
 - (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection with the office of the city clerk.
- (b) To further promote full and complete transparency, city commissioners must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists, their principals or employers outside of the city premises. This shall include communicating by any form of telephonic or electronic media.
 - (1) The disclosure shall include the lobbyist's name; the name of the entity or person by which or by whom the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any principal or employer of the lobbyist who is present at any meeting at which the communication is made; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.
 - (2) The disclosure shall be made within ten (10) business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.
 - (3) The disclosure shall be filed for public inspection with the office of the city clerk.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-233. - Penalties; enforcement.

- (a) The city clerk, or designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of section 2-231, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.
- (b) The commission shall warn, reprimand, suspend, or prohibit the violator from appearing on behalf of any person before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying the city for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and any of such sanctions shall not be imposed unless the lobbyist (or the principal or employer of the lobbyist, as applicable) allegedly in violation has been afforded reasonable notice and an opportunity

to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of section 2-231, except as provided in section 2-231(d). Further, the intentional failure or refusal of any lobbyist to comply with any order of the city commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

- (c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.
- (d) In addition to all other penalties in this section, a principal or employer who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the principal or employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under section 2-233. If, after awarding a contract in connection with the solicitation, the city learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the principal or employer, the city may, on that basis, exercise any contractual right to terminate the contract for convenience.
- (e) Except where a specific penalty or sanction is otherwise provided for above in this article XI, this article XI shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. Ch. 162, as amended, and section 1-8 of the City Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction. The city expressly reserves its right, power and authority to act as the civil or administrative agency having jurisdiction concerning an alleged violation of this article XI, and this reservation shall serve to fully preserve city's investigative and enforcement authority.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-234. - Certain county code amendments.

In the event that the county code is subsequently amended to require a disclosure log of lobbyist meetings, or communications with other covered individuals of the city, or both, as that term "covered individuals" is defined in this article, beyond that which is required by section 2-232(a), the provisions of section 2-232 shall be deemed to be amended accordingly so as to include those additional disclosure log requirements as to other covered individuals of the city.

(Ord. No. 2012-019, § 3, 8-14-12)

BROWARD COUNTY (CITY OF DAVIE)

ARTICLE IV. - REGISTRATION OF LOBBYISTS

Sec. 2-56. - Intent and purpose.

The town council of the Town of Davie determines and declares that, to maintain the integrity of the government decision making process, the Town of Davie Councilmembers, staff and residents have a legitimate need to know certain information about the activities of "lobbyists", as defined in this article. The town council also finds that "lobbying", as defined in this article, is a legitimate form of free speech, which is frequently an important and necessary part of the legislative process. As such, this article seeks to impose the least burden which is reasonably necessary on lobbyists, in order to satisfy this public need for information.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-57. - Definitions.

[The following terms, when used in this article, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:]

Candidate means an individual who is conducting a campaign for a elected office in the Town of Davie, Florida.

Campaign means the election process for any elected municipal official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the town clerk and ending with the last day of voting which finally determines the outcome of the election.

Covered individual means (i) any member of the Town of Davie Council; (ii) any member of a final decision-making body under the Town of Davie; (iii) any individual directly appointed to a town employment position by the town council; (iv) any individual serving on a contractual basis as the town attorney or town administrator, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to the town council regarding a municipal procurement; (vi) any employee, any official, or any member of a committee of the town that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the town who makes final recommendations to the town council regarding items that will be decided by the final decision-making authority. For purposes of the prohibition on lobbying [as defined herein], "covered individual" also includes members of other local governmental entities within Broward County, including authorities, quasi-judicial boards, appointed boards, and commissions.

Economic consideration means something of actual monetary value.

Elected official means any member of the Town of Davie Town Council and any municipal official as defined below.

Immediate family means either a father, mother, sister, brother, child, spouse or person residing in the same residential unit.

Legislation means any ordinance, resolution, or proposal of any kind which is the subject of present or prospective action by the town council.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Municipal official means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County.

Ordinance means the Town of Davie, Florida, Ordinance for the Registration of Lobbyists.

Person means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to Florida law.

Principal means the person for or upon whose behalf the lobbyist is lobbying.

Registration means providing the information required by this article, in writing, annually, and in supplements and amendments, as may be required. "Register" means to provide a registration in such a manner.

Town means the Town of Davie, Florida.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-58. - Required; information to be filed.

- (a) Prior to engaging in lobbying activities, every lobbyist shall register with the town by filing with the town clerk the following information in writing:
 - (1) The name, address and telephone number of the lobbyist is required on every, amended, and supplemental registration. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.
 - (2) The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediately family, has had with any municipal official, or member of the immediate family of any municipal official within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration. No disclosure would be required of any such relationship existing prior to the effective date of this article.
 - (3) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with the current or the most recent campaign of any current elected municipal official, or current candidate for town council.
 - (4) Name, address and phone number of the lobbyist's principal(s), if known at the time of registration. The "address" must be a physical address (e.g. not a post office box) where the principal either resides or customarily does business.

- (5) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
- (b) There shall be a fee in the amount of fifty dollars (\$50.00) charged by the town, for each principal represented and by each lobbyist. Such fee shall cover the cost of registering and maintaining a database of lobbyists as required by the Broward County Code of Ethics for Elected Officials. Said fee may be amended as needed by resolution.
- (c) The registration information, and any supplement or amendment shall be filed in the town clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury. The town clerk may approve a form of registration consistent with this article, which shall be used in all cases, except where unavailable.
- (d) Registration will be yearly, running from October 1 to September 30 of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one (1) annual registration form is required, per principal, per lobbyist. However, if any of the information required in the registration form is new or changed (for example, a new principal, as defined by this article, or a new specific subject of lobbying), then the lobbyist must supplement or amend the registration before additional lobbying.
- (e) Notwithstanding any provision to the contrary in this article, no lobbyist shall be required to register only because the lobbyist has spoken at any public hearing or public meeting of the Town of Davie.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-59. - Conduct of principals and town council.

- (a) Any principal who retains a lobbyist(s) in the town shall take reasonable measures to supervise and monitor its lobbyist(s) to insure compliance with this article.
- (b) Any councilmember who has actual knowledge and recollection of a lobbyist who fails to register as required in this article, or of a lobbyist who makes a material misrepresentation in registration shall disclose same in writing to the town clerk as soon as reasonably practical. Failure to make such disclosure shall subject the councilmember to a penalty as provided for in subsection 2-61(a). Nothing in this section shall require any inquiry by any councilmember to ascertain the compliance by any person with this article, nor does this section imply that any councilmember is required to remember all of his or her past dealings with lobbyists.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-60. - General construction.

- (a) Examples and section headings are provided for clarity and for purposes of illustration only. Examples are not intended to imply that the illustration is the sole or exclusive possibility.
- (b) All language and terms in this article shall be construed according to the definitions contained in the article. If there is no explicit definition in this article, then the language or term shall be construed according to the ordinary legal meaning in Florida; or if there is no ordinary legal meaning in Florida, then according to the ordinary and reasonable meaning to residents of the town.
- (c) Lobbyist registrations must be true and accurate for matters of which the lobbyist has actual knowledge, or which the lobbyist may ascertain through reasonably diligent inquiry.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-61. - Penalties.

- (a) A "penalty" in this article means the penalties specified in the Town of Davie Code of Ordinances, section 1-9 ("General penalty; continuing violations"); or in the event said section 1-9 is repealed or superseded, the general penalty specified by Town of Davie Code of Ordinances for violations of the Town of Davie Code of Ordinances. However, notwithstanding any language to the contrary in the general Code provisions for penalties, the maximum penalty for violation of this lobbyist ordinance shall not exceed five hundred dollars (\$500.00). This article shall be enforced by issuance of a notice to appear in county court as authorized by F.S. § 162.22, as it may be amended from time to time.
- (b) Any lobbyist who fails to register or willfully violates this article shall be subject to a penalty, as provided in subsection (a) above; and additionally shall be subject to imposition by the town council of a prohibition of further lobbying in the town for up to one (1) year.
- (c) Any councilmember or principal who knowingly and willfully directs or permits a lobbyist to violate this article shall be subject to a penalty as provided in subsection 2-61(a).

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Secs. 2-62—2-70. - Reserved.

BROWARD COUNTY (CITY OF FORT LAUDERDALE)

ARTICLE VIII. - LOBBYING ACTIVITIES

Sec. 2-260. - Intent and purpose.

The City Commission of the City of Fort Lauderdale, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence covered individuals, as set forth in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials, be publicly and regularly disclosed.

(Ord. No. C-00-27, § 1, 6-6-00; [Ord. No. C-11-42, § 1, 1-5-12](#))

Sec. 2-261. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Lobbying or *lobbying activities* shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Lobbyist shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. C-00-27, § 1, 6-6-00; [Ord. No. C-11-42, § 2, 1-5-12](#))

Sec. 2-262. - Lobbying registration and statements.

(a) *Registration required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk the following information:

- (1) The lobbyist's full name, business address and name and nature of business, occupation or profession.
- (2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals.
- (3) The general and specific subject matters that the lobbyist seeks to influence.
- (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Fort Lauderdale. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
- (5) A lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person shall be provided with the information required by this article.

(b) Completed registration forms shall be public records and open to public inspection.

- (c) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.
- (d) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.
- (e) *List of principals.* A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.
- (f) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. C-00-27, § 1, 6-6-00; [Ord. No. C-07-111, § 1, 12-18-07](#); [Ord. No. C-11-42, § 3, 1-5-12](#))

Sec. 2-263. - Statement of representation.

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-264. - Lobbying by former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities for a period one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this subsection shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-265. - Reserved.

Editor's note— [Ord. No. C-11-42, § 4, adopted January 5, 2012](#), repealed § 2-265, which pertained to persons excluded. See also the Code Comparative Table.

Sec. 2-266. - Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.

(Ord. No. C-00-27, § 1, 6-6-00)

Secs. 2-267—2-269. - Reserved.

BROWARD COUNTY (CITY OF HALLANDALE BEACH)

ARTICLE I. - IN GENERAL^[2]

Footnotes:

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Charter reference— City manager to develop an administrative code, § 4.07.

Sec. 2-1. - Corporate seal.

The corporate seal for the city shall be as follows: A round seal two inches in diameter with the words "City of Hallandale Beach" arranged in a circular form constituting the border around the top and the words "Broward County, Florida" around the base and the words "Incorporated 1947," "Seal" in the inner circle and the State of Florida emblem in the inner circle and the center of the seal; however, the city seal may be in such other form as the city commission may prescribe.

(Code 1980, § 2-1)

Editor's note— The Town of Hallandale was incorporated in 1927, and has continued as an incorporated municipality to the present time. However, by virtue of the Charter of 1947, the term "Town" was changed to "City" and the year "1927" was changed to "1947."

State Law reference— Seal authorized, F.S. § 165.043.

Sec. 2-2. - Administrative code.

The city manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the commission.

(Ord. No. 1057, 1-9-1976/3-9-1976)

Sec. 2-3. - Lobbyists; registration and disclosure; enforcement.

(a) The following definitions shall apply:

Lobbyist means all persons, firms, organizations and corporations (and their staff members) whether or not acting either on their own behalf or on behalf of others on a matter before the city in which they may obtain a direct pecuniary gain and/or are paid by a party, principal or client who seek to participate, obtain and/or encourage the passage, defeat, or modification of any ordinance, resolution, contract, bid award, RFP, RFQ, and any action, decision or recommendation of the city commission or any action, decision or recommendation of the city board, agency or committee.

"Lobbyist" does not mean a city employee when acting in his official capacity.

"Lobbyist" does not mean any person in the public such as a resident who merely appears before the city commission, city board, agency or committee, in an individual capacity for the purpose of expressing his/her opinion without obtaining a direct pecuniary gain and is not specifically paid for the purpose of expressing support of or in opposition to any ordinance, resolution, decision or action on a matter of the city commission or any action recommendation or decision of any city board, agency or committee.

"Lobbyist" does not mean a person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

- (b) *Registration.* Every lobbyist shall file the registration in part (c) below with the city clerk's office on the form provided by the city. Under no circumstances shall a lobbyist working for the city lobby the city commission.
- (c) *Annual registration.* Commencing January 1, 2005, and annually thereafter, every lobbyist shall submit to the city clerk's office a signed statement under oath identifying themselves and their respective principals or clients and/or the party they represented on city matters over the past year or in accordance with administrative policy. Such annual disclosure statements shall be submitted on the form provided by the city clerk's office. A fee of \$100.00 shall be paid to the city for annual lobbyist registration. The city commission may, from time to time amend the lobbyist registration fee by resolution as it deems appropriate.
- (d) *Investigation by city.* At the request of the city manager, the internal affairs department of the city's police department shall investigate any person engaged in lobbying activities which may be in violation of this section and/or who has allegedly fraudulently made representations to the city, and/or allegedly intentionally mislead the city or abused their influence. Internal affairs of the city's police department shall report the results of the investigation to the city manager. Upon a finding by the city manager of a violation by a lobbyist of this section, the city manager shall report to the city commission who may publicly reprimand, censure, fine and/or prohibit such person or firm from lobbying before the city commission or a city board, agency or committee for a period of up to but not to exceed two years.
- (e) *Cone of silence.* Lobbyists shall cease all contact and communication with the city commission 48 hours before the date set for a decision on a matter, unless contacted by a city commissioner. No city board, agency or committee shall have contact 48 hours before the date set for a decision on a matter.
- (f) *Administrative policy.* The city manager shall create an administrative policy to supplement this section to include a lobbyist registration form and to carry out its purpose.

(Ord. No. 2004-31, § 1, 12-7-2004; Ord. No. 2013-18, § 1, 11-6-2013)

Sec. 2-4. - City manager authority to execute contracts.

The city manager is authorized to execute all contracts and/or agreements on behalf of the city which are not a result of the appropriations process and ordinances and are in the best interest of the city. The city manager is also authorized to execute all contracts and/or agreements on behalf of the city which do not exceed his or her purchasing authority.

(Ord. No. 2012-28, § 1, 10-3-2012)

Secs. 2-5—2-30. - Reserved.

BROWARD COUNTY (CITY OF LAUDERDALE LAKES)

ARTICLE VIII. - LOBBYING AND LOBBYIST REGISTRATION

Sec. 2-501. - Findings; purpose.

The city commission hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city officials, decision-making bodies under the jurisdiction of the city commission, and certain city employees on matters within their official jurisdictions, either by direct communication to such commissioners, decision-making bodies, or city employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 05-03, § 3, 1-25-2005)

Sec. 2-502. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the city commission of Lauderdale Lakes, Florida.

Contingency fee means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or any member of any decision-making body under the jurisdiction of the commission, or any city employee, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the commission, or any decision-making body under the jurisdiction of the commission, which may be presented for consideration by a city employee as a recommendation to the commission or decision-making body or any city employee making a final city procurement decision.

Lobbyist means any 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. Any person who, in his or her individual capacity, merely communicates with the commission, a city commissioner, a decision-making body under the jurisdiction of the commission, or any city employee, for the purpose of self-representation, without compensation or reimbursements, to express support of or opposition to any item which may be presented for a vote before the commission, and who shall so declare to the person or body with whom he or she discusses any such item, shall not be required to register as a lobbyist. Additionally, any individual who engages in lobbying as a volunteer, without payment of any compensation or reimbursement of expenses, either directly or indirectly, shall not be required to register as a lobbyist.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(Ord. No. 05-03, § 4, 1-25-2005)

Cross reference— Definitions generally, § 1-2.

Sec. 2-503. - Lobbying registration and statements.

- (a) *Registration statement required.* Every lobbyist shall file with the city clerk the following information:
- (1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business address, and nature of business.
 - b. The full name and address of his or her employer, if any.
 - c. The general and specific subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by subsections (1) and (2) of this section.
 - f. All lobbyists who are required to register with the city shall be required to pay an annual licensing fee, which fee shall be established by separate resolution.
 - (2) A lobbyist shall annually submit to the city clerk's office a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from July 1 to June 30 shall be filed no later than July 15 of each year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. Said statements shall be rendered in the form provided by the city clerk's office and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.
 - (3) Statements shall be filed not later than 5:00 p.m. on the date the statement is due. However, any statement that is postmarked by the United States Postal Service no later than midnight of 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 which bears a date on or before the due date, shall be proof of mailing in a timely manner. The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a statement shall be notified and assessed fines. The procedure shall provide for the following:
 - a. Upon determining that the statement is late, the person designated to review the timeliness of statement shall immediately notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be \$50.00 per day for each late day.
 - b. Upon receipt of the statement, the person designated to review the timeliness of statement shall determine the amount of the fine due based upon the earliest of the following:
 1. When a statement is actually received.
 2. When the statement is postmarked.
 3. When the certificate of mailing is dated.

- 4. When the statement from an established courier company is dated.
 - c. Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the Commission.
 - d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all statements for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.
 - e. Any lobbyist 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 commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the lobbyist shall, within the 20-day period, notify the person designated to review the timeliness of statements in writing of his or her intention to bring the matter before the commission.
- (b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.
 - (c) *List of employers.* A lobbyist shall file a registration statement for each employer on whose behalf he or she lobbies.
 - (d) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement required by subsection (a)(2) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 05-03, § 5, 1-25-2005)

Sec. 2-504. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 05-03, § 6, 1-25-2005)

Sec. 2-505. - Contingency fees; disclosure; penalties.

- (a) A lobbyist shall disclose any compensation received in the form of contingency fees in the annual statement filed pursuant to section 2-503(a)(2).
- (b) In addition to the penalties provided in section 2-506, any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 05-03, § 7, 1-25-2005)

Sec. 2-506. - Penalties.

- (a) The city attorney or city clerk, or their respective designees, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the commission.

- (b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or any decision-making body under the jurisdiction of the commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act, except as provided in subsection (c) of this section. The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.
- (c) The validity of any action taken by the commission, city employees, or any decision-making body under the jurisdiction of the commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 05-03, § 8, 1-25-2005)

Sec. 2-507. - Conflict of interest.

It shall be unlawful for any former or current city, county, state or federal official, who has or is representing the city in his or her official representative capacity, or whose official constituents comprise any portion of the city, or for any employee or consultant to the city to lobby the city, through any city official or city employee, on any matter in the case of officials or employees, before the second anniversary of the time such official left office or, such an employee left the employ of the city or, in the case of a consultant, two years from the time the consulting terminated; provided, however, such prohibition shall not apply to any solicitation, contact or other act, otherwise defined herein as "lobbying," when such official, employee or consultant is speaking on behalf of the general public or on behalf of herself or himself.

Secs. 2-508, 2-509. - Reserved.

BROWARD COUNTY (CITY OF LAUDERDALE-BY-THE-SEA)

Chapter 2 - ADMINISTRATION^[1]

Footnotes:

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Editor's note— Formerly Ch. 2 contained provisions designated as Art. VI, planning and development, substantive sections thereof being §§ 2-226 and 2-276. Sec. 226, cost recovery of outside consultant fees, derived from Ord. No. 300, § 1, adopted Nov. 22, 1988, was deleted as being superseded by provisions of Ord. No. 316, designated in this Code as § 24-1.4(d). Sec. 2-276 pertaining to subdivision maps and plats, derived from Sp. Acts 1951, Ch. 27675, Pt. IX, Art. 5, § 1, was repealed by Ord. No. 316, adopted Jan. 9, 1990; similar subject matter is included in § 24-3.2.

Cross reference— Animals, Ch. 4; beaches and waterways, Ch. 5; buildings and building regulations, Ch. 6; elections, Ch. 7; garbage and refuse, Ch. 10; licenses, Ch. 12; official street map of the Town, § 17-46; taxation, Ch. 18; utilities, Ch. 20; land development code, Ch. 24.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166.

ARTICLE I. - IN GENERAL

Sec. 2-1. - Lobbyist regulations.

- (a) *Definitions.* The following terms, when used in this section, shall have the meaning ascribed to them herein, unless the context indicates otherwise:

Contractor means any person or entity having a contract with the Town of Lauderdale-By-The-Sea, Florida.

Covered individual means:

- (1) Any member of the Town Commission, including the Mayor-Commissioner;
- (2) Any member of a final decision-making body under the jurisdiction of the Town Commission;
- (3) Any individual directly appointed to a Town employment position by the Town Commission;
- (4) Any individual serving on a contractual basis as the Town's chief legal counsel (i.e.: Town Attorney) or chief administrative officer (i.e.: Town Manager), when such individual is acting in his or her official capacity;
- (5) Any member of a selection, evaluation, or procurement committee of the Town that ranks or makes recommendations to any final decision-making authority regarding a Town procurement;
- (6) Any employee, official, or member of a committee of the Town that has authority to make a final decision regarding a public procurement; and
- (7) The head of any department, division, or office of the Town government who makes final recommendations to a final decision-making authority of the Town regarding items that will be decided by the final decision-making authority of the Town.

Elected Official means any member of the Town Commission of the Town, including the Mayor-Commissioner.

Filed for public inspection means that the form is completed legibly and is filed with the Town Manager or designee, with a copy of the form or all information contained thereon inputted into the Town's governmental database, which database shall be searchable by internet.

Final decision-making authority means:

- (1) The Town Commission, including the Mayor-Commissioner;
- (2) Final decision-making bodies under the jurisdiction of the Town Commission;
- (3) Any employee, official, or committee of the Town that has authority to make a final decision to select a vendor or provider in connection with a public procurement by the Town; and
- (4) Any other quasi-judicial boards, appointed boards, and commissions of the Town.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:

- (1) Made on the record at a duly-noticed public meeting or hearing; or
- (2) From an attorney to an attorney representing the Town regarding a pending or imminent judicial or adversarial administrative proceeding against the Town.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

All operative words or terms used in this section not defined herein shall be as defined, in order of priority in the event of inconsistency, by (1) F.S., ch. 112, pt. III; (2) the Broward County Code of Ordinances; and (3) the Broward County Administrative Code.

(b) *Lobbyist registration.*

- (1) *Lobbyist obligations* . Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall do the following:

- a. *Annual registration statement required.* File with the Town Manager or designee, in form prescribed by the Town Manager or designee, an annual registration statement under oath containing the following information:

1. The lobbyist's full name, residence address, business name, business address, email address, and nature of business.
2. The full name and address of all persons on whose behalf the lobbyist will be lobbying.
3. The general and specific subject matters which the lobbyist seeks to influence.

4. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Town. For the purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 5. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of the action providing such authorization shall be attached to the registration statements.
 6. A lobbyist representing a principal or employer shall file a copy of a written statement of the principal or employer confirming authorization to lobby for the principal or employer.
 7. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement or on a subject matter not previously identified, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the Town Manager or designee, containing all the information required in the annual registration statement.
- b. *Fee required* . Pay to the Town an annual \$50.00 registration fee for each employer or principal, identified on an annual or amended registration statement, on whose behalf he or she intends to lobby, whether he or she was retained directly by the employer or principal or by another lobbyist retained by the employer or principal. The registration fees required by this section shall be expended by the Town solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities, but still must otherwise meet the requirements of this section.
 - c. *Amended statement* . A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
 - d. *Disclosure statement required* .
 1. On or before January 15 of each year, each lobbyist shall submit to the Town Manager or designee, in form prescribed by the Town Manager or designee, a signed statement under oath, disclosing all Town lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from January 1 of the prior year through December 31 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. Any individual who is exempt from the definition of lobbyist pursuant to subsection 2-1(a) shall not be required to file the statement required by this subsection.
 2. The Town Manager or designee shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:
 - i. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be \$50.00 per day for each late day.

- ii. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within 20 days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.
 - iii. Such fine shall be paid within 20 days after receipt of the notice of payment due, unless timely appeal is made to the Town Commission.
 - iv. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the Town Commission, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within 20 days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.
 - e. *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection 2-1(b)(1)a. above for that portion of the year during which the lobbyist was engaged in lobbying activities.
 - f. *Effectiveness* . Registration statements are effective from January 1 of a given year through December 31. Registration fees paid under subsection 2-1(b)(1)b. above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.
- (2) *List of current lobbyists.* The Town shall keep a current list of registered lobbyists and their respective statements required under this section, all of which shall be filed for public inspection. The Town Manager or designee shall routinely provide an updated copy of the lobbyist registration list to the Town Commissioners.
- (c) *Reporting of lobbying activities.*
- (1) *Lobbyist contact log* . To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with an Elected Official for the purpose of engaging in lobbying activities, either at the Elected Official's offices or elsewhere on the Town's premises, must legibly complete a contact log listing each Elected Official with whom the lobbyist, principal, or employer meets or intends to meet or communicate.
 - a. *Content* . The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any employer or principal of the lobbyist who is present at any meeting at which the communication is made; the name of each Elected Official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
 - b. *Timing, filing.* The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection with the Town.
 - (2) *Elected official disclosures* . To further promote full and complete transparency, Elected Officials must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists or their principals or employers outside of the Town premises. This shall include communicating by any form of telephonic or electronic media.
 - a. The disclosure shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any employer or principal of the lobbyist who is present at any

meeting at which the communication is made; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.

- b. The disclosure shall be made within ten business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.
- c. The disclosure shall be filed for public inspection with the Town.

(d) *Penalties.*

- (1) The Town Manager or designee shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of this section 2-1, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the Town Commission.
- (2) The Commission shall warn, reprimand, suspend, or prohibit the violator from appearing on behalf of any person before the Town Commission or any decision-making body under the jurisdiction of the Town Commission or from otherwise lobbying the Town for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and any of said sanctions shall not be imposed unless the lobbyist (or the employer or principal of the lobbyist, as applicable) allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this subsection 2-1(d) shall be the exclusive penalties imposed for violations of section 2-1. Further, the intentional failure or refusal of any lobbyist to comply with any order of the Town Commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the Town may pursue, including injunctive relief.
- (3) The validity of any action taken by the Town Commission, Town employees, or any decision-making body under the jurisdiction of the Town Commission, shall not be affected by the failure of any person to comply with the provisions of this section 2-1.
- (4) In addition to all other penalties in this subsection 2-1(d), a competitive solicitation submitted by an employer or principal who has retained a lobbyist(s) to lobby in connection with that solicitation shall be deemed non-responsive unless the employer or principal, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the required registration or amended registration. If, after awarding a contract in connection with the solicitation, the Town learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer or principal, the Town may, on that basis, exercise any contractual right to terminate the contract for convenience.
- (5) Except where a specific penalty or sanction is otherwise provided for above in this subsection 2-1(d), this section 2-1 shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. ch. 162, as amended, and Chapter 6.5 "Code Enforcement" of the Town Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction. The Town hereby expressly reserves its right, power and authority to act as the civil or administrative agency having jurisdiction concerning an alleged violation of this section 2-1, and this reservation shall serve to fully preserve the Town's investigative and enforcement authority.

(Ord. No. 2011-20, § 2, 12-13-2011)

Editor's note— Ord. No. 2011-20, § 2, adopted Dec. 13, 2011, is effective Jan. 2, 2012.

Secs. 2-2—2-15. - Reserved.

BROWARD COUNTY (CITY OF LAUDERHILL)

ARTICLE II. – OFFICERS AND EMPLOYEES

DIVISION 1. - GENERALLY

Sec. 2-24. - Lobbying activities.

All lobbying activities shall be governed by F.S. § 112.312 and Broward County Code Section 1-19, Code of Ethics for Elected Officials, as now existing or as may be amended from time to time.

Registration fee. An annual lobbyist registration fee may be set by resolution adopted by the city commission, which may be amended from time to time as necessary. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. 91-127, § 1, 9-30-91; Ord. No. 970-114, § 1, 5-12-97; Ord. No. 08O-04-117, § 1, 5-12-08; Ord. No. 13O-04-113, § 1, 5-13-2013; Ord. No. 16O-09-148, § 1, 10-31-2016; Ord. No. 16O-11-153, § 1, 12-12-2016)

BROWARD COUNTY (CITY OF LIGHTHOUSE POINT)

ARTICLE VIII. - LOBBYING ACTIVITIES⁽¹¹⁾

Footnotes:

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Editor's note— The provisions of former Art. VIII, §§ 2-290—2-296, have been renumbered by the editor to §§ 2-390—2-396 to accommodate provisions added by Ord. No. 2014-0908, § 3, adopted Feb. 11, 2014, to Art. VII above.

Sec. 2-390. - Title; intent and purpose.

- (a) Sections 2-390 through 2-396 of this article, may be cited as the "Lighthouse Point Lobbyist Registration Act" (referred to in this part as the "Act").
- (b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in the county shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-391. - Definitions.

As used in this article, unless the context otherwise indicates:

- (a) *Board* means the City Commission of Lighthouse Point, Florida or any other decision-making body under the jurisdiction of the city commission.
- (b) *Covered individual* means:
 - (1) Any member of a board;
 - (2) The mayor;
 - (3) Any individual directly appointed to an employment position by the city commission or mayor;
 - (4) Any individual serving on a contractual basis as the city attorney;
 - (5) An individual serving on a contractual basis as a planner or zoning administrator;
 - (6) Any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a city procurement;
 - (7) Any city employee, official, or member of a city committee that has authority to make a final decision regarding a public procurement; and
 - (8) The head of any city department who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.
- (c) *Lobbying or lobbying activities* means a communication, by any means, from a lobbyist to a member of a board or covered individual regarding any item that will foreseeably be decided by the board and/or a covered individual, which communication seeks to influence, convince, or

persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

- (d) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (e) *Lobbyist* means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
 - (1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity;
 - (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-392. - Lobbyist registration and statements.

- (a) *Registration statement required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk a registration statement under oath containing the following information:
 - (1) The lobbyist's full name, residence address, business address, and nature of business.
 - (2) The full name and address of all persons on whose behalf the lobbyist will be lobbying.
 - (3) The subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter.

A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

- (b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.
- (c) *Lobbyist responsibilities to update registration.* The lobbyist statements provided pursuant to this section shall remain active and effective so long as the lobbyist does not advise the city in writing that he or she has ceased lobbying activities in the city. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, or on a subject matter not listed on the registration statement, the lobbyist shall, prior to engaging in such additional lobbying activities, file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.

- (d) *Annual lobbyist registration.* Regardless of the date of the original filing of the required lobbyist statement, or any amended registration, the lobbyist registration shall expire each calendar year on December 31. Should a lobbyist desire to continue lobbying on a subject matter beyond that date, he or she must file a new lobbyist statement.
- (e) *Fees.* A lobbyist shall pay to the city clerk's office a registration fee for each registration and update. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities provided that he or she files an affidavit in a form acceptable to the city attorney confirming his or her volunteer status.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-393. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board and/or covered individual for the purpose of engaging in lobbying activities, regardless of the location of the meeting, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

- (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed with the city clerk for public inspection.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-394. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-395. - Contingency fees; disclosure.

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.
- (b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-396. - Penalties.

- (a) The city administrator, or his designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this Act.
- (b) Upon receipt of information relating to a potential prohibition of this Act, unless the city administrator can confirm that no violation occurred, the city administrator shall schedule a hearing at the next available code enforcement special magistrate hearing, during which the special magistrate will conduct a hearing to determine whether a violation has occurred and, should a violation be found, impose a fine consistent with the limitations in Chapter 162, Florida Statutes, and this Code.
- (c) The special magistrate may recommend sanctions in addition to a fine, including warning, reprimanding, or censuring the violator; suspension; or, prohibition on the violator from appearing on behalf of any employer before any board in the city or from otherwise lobbying for any employer in any fashion for a period of time: provided, however, that any suspension or prohibition may not exceed a period of two years. The imposition of such additional sanctions is within the discretion of the city commission.
- (d) The results of each alleged violation of this Act shall be reported to the city commission.
- (e) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this Act.
- (f) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the county office of the inspector general as provided for by Article VIII of the Broward County Charter.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

APPENDIX A - FEE SCHEDULE⁽¹⁾

ADMINISTRATION

Section 1-8. Court costs for criminal justice programs.

Court costs against every person convicted of a state penal or criminal statute or a city ordinance
\$2.00

Section 2-4. Costs of reproducing and certifying city records, notarizing service or using copying machine.

(1) Duplicating copies of all public records of the city not more than 14 inches by 8½ inches:

- a. Per one-sided copy (per page) 0.15
- b. For each two-sided copy (per page) 0.20

(2) Certification of any city documents, per document 3.00

(3) Notarization of private non-city documents, per document, per notarization 10.00

(4) Reproduction of library books, periodicals and other library material, per page 0.10

Other reproduction not related to the library shall be charged at the normal rate provided above.

(5) Copying private papers and private documents on the reproduction machine located in the city library on a time available basis, reproduction cost per page 0.10

(6) Printing of computer generated documents:

- a. Black and white (per page) 0.10
- b. Color (per page) 0.25

- (7) Computer use—Non-residents only 2.00 per session, with a limitation of 90 minute total use per day
- (8) Non-resident membership 50.00 annually per household

(Res. No. 1154, § 2, 4-18-2001; Res. No. 2011-1810, § 2, 6-28-2011; Ord. No. 2014-0913, Attach., 10-28-2014)

Section 2-6. Fee for lien searches per request 75.00 (per folio number)

(Ord. No. 787, §§ 3, 4, 8-28-2001; Ord. No. 2014-0913, Attach., 10-28-2014)

City clerk's office fees and charges. The city clerk's office shall charge the following prices:

- (1) Maps of the city, per map 1.00 plus tax
- (2) Lighthouse Point license plates, per plate cost and tax plus 5.00
- (3) Reserved.
- (4) Lobbyist statement registration fees:
 - a. Lobbyist statement filing 100.00
 - b. Lobbyist statement update* 100.00

*Each update shall be charged a separate fee.

BROWARD COUNTY (CITY OF MARGATE)

ARTICLE I. - IN GENERAL

Sec. 2-19. - Lobbying and lobbyists.

In conformity with section 1-19 of the Code of Broward County entitled the code of ethics for elected officials, the city hereby creates the city registration system for lobbyists and lobbying.

(1) Definitions.

Contractor means a person or entity having contract with the local government.

Covered individual means a member of the governing body of any municipality; any member of a final decision making body under the jurisdiction of any municipality; chief legal officer; chief administrative officer; any member of a procurement committee; head of any department of municipal government that makes final recommendations to decision-making authority that ranks or evaluates for recommendation to a final decision-making authority.

Elected official means a municipal official as defined below.

Filed for public inspection means form is completed legibly and filed with applicable city's administrative official or clerk, inputted into the city's database which is searchable by Internet or if not inputted into a database maintained by the Broward League of Cities.

Final decision making authority means the governing body of the city; final decision-making bodies under the jurisdiction of the city; any employee official or committee of the city that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

Immediate family member means a parent, spouse, child, sibling, or registered domestic partner.

Lobbying or lobbying activities mean communication by any means from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority which the communication seeks to influence convince or persuade the covered individual to support or oppose. It does not include communications at a duly noticed public meeting or attorney to attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

Lobbyist means a person retained with or without compensation for the purpose of lobbying or a person employed by another person or entity on a full or part-time basis principally to lobby on behalf of that other person or entity. It does not include elected official, employee, or appointee of Broward County or any municipality communicating in his official capacity; an individual who communicates on his or her own behalf or on behalf of a person or entity employing the individual on a full or part-time basis unless the person is employed to lobby. It excludes any employee officer or board member of a homeowners association condo or neighborhood Association addressing an issue impacting the Condo Association. It also does not include the employer officer of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) addressing an issue impacting the entity.

Municipal official means individual serving as a member of the governing body of the municipality.

Vendor means actual or potential supplier of goods or services to the city.

Words or terms not defined shall in order of priority be defined as provided in Part III of F.S. ch. 112, the Broward County Code of Ordinances, and the Broward Administrative Code. The term "relative" shall be as defined in F.S. § 112.3135.

- (2) No lobbyist shall engage in any lobbying activity of a covered individual of the city prior to registering as a lobbyist with the city pursuant to the city registration system for lobbyists. The lobbyist registration and contact log shall be in a form prescribed by the city clerk and be in conformity with section 1-19 of the Code of Broward County. Said system shall be available for registration through the city clerk's office.
- (3) Fee. There shall be an annual fee, based upon the city's fiscal year, of one hundred dollars (\$100.00) for the registration of each lobbyist.
- (4) Definitions provided for in this section shall be determined to be amended to conform with the ordinances of Broward County pursuant to section 11.01 C. of the Charter of Broward County.

(Ord. No. 2012-1, § 1, 2-15-2012)

BROWARD COUNTY (CITY OF MIRAMAR)

ARTICLE IX. - LOBBYING

Sec. 2-310. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense shall include future tense, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

Agency means the City of Miramar including all elected and appointed officials, employees and persons acting on behalf of the agency.

Covered individual means (i) any member of the city commission of the city; (ii) any member of a final decision-making body under the jurisdiction of the city commission; (iii) any individual directly appointed to a city employment position by the city commission; (iv) any individual serving on a contractual basis as the city's chief legal counsel (i.e.: city attorney) or chief administrative officer (i.e.: city manager), when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee of the city that ranks or makes recommendations to any final decision-making authority regarding a city procurement; (vi) any employee, official, or member of a committee of the city that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the city government who makes final recommendations to a final decision-making authority of the city regarding items that will be decided by the final decision-making authority of the city.

Elected official means any member of the city commission of the city.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a Covered Individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the Covered Individual to support or oppose the item. "Lobbying" does not include communications:

- (1) Made on the record at a duly-noticed public meeting or hearing; or
- (2) From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person includes individuals, firms, associations, joint ventures, general and limited partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(Ord. No. 92-40, § 1, 8-3-92; Ord. No. 12-08, § 2, 1-10-12)

Sec. 2-311. - Registration of lobbyist.

Commencing fifteen (15) days after the effective date of this article and continuing thereafter, all lobbyists shall, before engaging in any lobbying activities, register with the city clerk.

(Ord. No. 92-40, § 2, 8-3-92)

Sec. 2-312. - Registration forms.

Every person required to register as a lobbyist shall do so on forms prepared by the city clerk and shall state under oath his or her name, business address, the name and business address of each person which has employed such registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.

(Ord. No. 92-40, § 3, 8-3-92)

Sec. 2-313. - Filing and disclosure of annual expenditures.

Commencing on January 1, 1993, and on January 1 of each year thereafter, all lobbyists registered pursuant to this article shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the city clerk.

(Ord. No. 92-40, § 4, 8-3-92)

Sec. 2-314. - Penalties for violation; cumulative in nature.

- (a) Whenever a violation of this article exists, the city commission may publicly reprimand, censure, and/or prohibit such lobbyist from lobbying before the agency for a period of up to but not to exceed two (2) years.
- (b) The penalties provided herein are cumulative in nature. Nothing contained in this article shall prevent the agency from pursuing any other remedies available to the agency under the agency's code and/or state law for the enforcement of its ordinances.

(Ord. No. 92-40, § 5, 8-3-92)

Sec. 2-315. - Public records.

All registration forms and annual disclosure statements required by this article shall be public records subject to inspection and examination as provided for in F.S. section 119.07.

(Ord. No. 92-40, § 6, 8-3-92)

Sec. 2-316. - Lobbyist registration fee.

An annual lobbyist registration fee in the amount of one hundred dollars (\$100.00) for each lobbyist shall be paid to the city clerk at the time the lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this article.

(Ord. No. 92-40, § 7, 8-3-92)

Secs. 2-317—2-320. - Reserved.

BROWARD COUNTY (CITY OF NORT LAUDERDALE)

ARTICLE VIII. - LOBBYING ACTIVITIES

Sec. 2-301. - Title; intent and purpose.

- (a) Sections 2-301 through 2-307 of Chapter 2, North Lauderdale Code of Ordinances, may be cited as the "North Lauderdale Lobbyist Registration Act."
- (b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in the county shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-302. - Definitions.

As used in this article, unless the context otherwise indicates:

- (a) Board means the City Commission of North Lauderdale, Florida or any other decision-making body under the jurisdiction of the city commission.
- (b) Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a member of a board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.
- (c) Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (d) "Lobbyist" means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
 - (1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity.
 - (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
 - (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-303. - Lobbyist registration and statements.

- (a) *Registration statement required.* By January 2, 2012 and annually thereafter, every lobbyist shall file with the city clerk the following information:
- (1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business address, and nature of business.
 - b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.
 - c. The subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of North Lauderdale. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.
- (b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.
- (c) *Fees.* A lobbyist shall pay to the city clerk's office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-304. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

- (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-305. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-306. - Contingency fees; disclosure.

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.
- (b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-307. - Penalties.

- (a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.
- (b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.
- (c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.
- (d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the county office of the inspector general as provided for by Article XII of the Broward County Charter.

(Ord. No. 11-12-1262, § 2, 12-13-11)

BROWARD COUNTY (CITY OF OAKLAND PARK)

ARTICLE I. - IN GENERAL

Sec. 2-15.5. - Prohibition of the acceptance of gifts and gratuities from known paid lobbyists by elected officers, city officers, and board members.

Definitions:

Gift or gratuity is defined as a gift, (defined to be real or personal property), any entertainment, any food or beverage, lodging, travel, or any other item or service to elected officials, board, committee, city officers.

- (a) Notwithstanding any other provision of law to the contrary, no one shall take, directly or indirectly, and no member of the city commission or employee of the city, board members or city officers shall knowingly accept, directly or indirectly, any gifts from paid lobbyists.
- (b) "Lobbyist" means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity who seeks any action, decision, recommendation of the elected officials, city advisory board or committee members, or city staff during the time of the entire decision making process. "Lobbyist" does not include a person who is:
 - (i) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - (ii) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - (iii) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (iv) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. O-2010-012, §§ 2, 3, 3-17-10; Ord. No. O-2012-003, § 2, 2-1-12)

Editor's note— Ord. No. O-2010-012, §§ 2, 3, adopted March 17, 2010, did not specifically amend the Code; hence, inclusion herein as § 2-15.5, was at the discretion of the editor. See also the Code Comparative Table.

Sec. 2-16.5. - Registration of lobbyists.

(a) *Definitions:*

"Lobbyist" means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity who seeks any action, decision, recommendation of the elected officials, city advisory board or committee members, or city staff during the time of the entire decision making process. "Lobbyist" does not include a person who is:

- (i) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;

- (ii) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - (iii) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - (iv) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (b) Prior to engaging in each specific lobbying activity, a lobbyist, as defined herein, shall sign a registration form maintained by the city at designated locations and file with the city clerk or the designee of the city clerk, the registration form which shall require the following information:
- (1) The name, address, a telephone number and email address of the lobbyist. The "address" must be physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.
 - (2) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with current or the most recent campaign of any current elect city official, or current candidate.
 - (3) Name, address, and phone number of the lobbyist's principal(s), if known at the time of registration. The "address" must be a physical address (e.g. a post office box) where the principal either resides or customarily does business.
 - (4) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
- (c) There shall be no fee charged by the city to any lobbyist or lobbyist's principal for registration or lobbying pursuant to this section.
- (d) The lobbyist registration forms shall be maintained in the city clerk's office. The registration form must be signed by the lobbyist and required of each lobbyist for each separate lobby activity undertaken by a lobbyist.
- (e) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register when attending any public hearing or public meeting of the city commission or a city board in the City of Oakland Park, Florida.

(Ord. No. O-2007-007, § 2, 2-21-07; Ord. No. O-2012-002, § 2, 2-1-12)

BROWARD COUNTY (CITY OF PARKLAND)

Chapter 2.5 - LOBBYIST REGISTRATION^[1]

Footnotes:

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Editor's note— Formerly, Ord. No. 2008-33, § 1, adopted Jan. 7, 2009, renumbered and placed the former Ch. 2.5, §§ 2.5-11—2.5-17. These provisions derived from Ord. No. 83, § 1, adopted Jan. 4, 1984.

ARTICLE I. - IN GENERAL

Sec. 2.5-1. - Intent and purpose.

The city commission of the City of Parkland, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city commissioners, board members, the city manager, or employees making decisions or recommendations on purchasing decisions, employment decisions or development permits on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Lobbying or lobbying activity means a communication, by any means from a lobbyist to a city official or employee with final decision-making authority or authority to make a recommendation regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade said city official or employee to support or oppose the item. The term "lobbying" does not include communications:

- (1) Made on the record at a duly-noticed public meeting or hearing; or
- (2) From an attorney to any attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. The term "lobbyist" does not include a person who is:

- (1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity;
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;

- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. 2011-2, § 1, 6-1-2011; Ord. No. 2011-39, § 1, 1-4-2012)

Sec. 2.5-3. - Lobbying registration and statements.

- (a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the city clerk a registration statement containing the following information:
 - (1) The lobbyist's full name, residence address, business address, and nature of business.
 - (2) The full name and address of his or her employer, if any.
 - (3) The general and specific subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Parkland. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section.
- (b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission, board or city employee or official.
- (c) *List of current lobbyists.* The city clerk shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.
- (d) *[Notice of withdrawal.]* Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.
- (e) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.
- (f) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. The initial fee shall be one hundred fifty dollars (\$150.00) and may be amended by the commission from time to time by resolution. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-4. - Statement of representation.

All lobbyists engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail, text or facsimile transmission

or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-5. - Lobbying former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission, city manager, or department head shall not conduct lobbying activities for a period of one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this section shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-5.1. - Contact log.

- (a) All lobbyists and their principals or employers who intend to meet with or otherwise communicate with a city commissioner at any city facility shall complete a contact log, on a form created by the city, which lists the name of the commissioner, the lobbyist's name, the entity by which the lobbyist is employed or for whom he or she is lobbying, the date and time of the meeting and the specific purpose and subject of the meeting. The log shall be completed contemporarily with the meeting and the log shall be filed daily with the city clerk and be available for public inspection.
- (b) For any meetings with lobbyists, or their principals or employers outside of a city facility where lobbying occurs, the city commissioner shall disclose the name of the lobbyist, the entity by whom the lobbyist is employed or for whom he or she is lobbying, the commissioner's name, the date, time and location of the meeting, and the specific purpose and subject matter of the meeting. The disclosure shall be in writing and filed with the city clerk within ten (10) days of the meeting or prior to the vote on the subject of the lobbying activity, whichever occurs first. The disclosures shall be available for public inspection.

(Ord. No. 2011-39, § 2(2.5-5.1), 1-4-2012)

Sec. 2.5-6. - Persons excluded.

The following persons shall not be required to register or make a statement or representation and will not be prohibited from lobbying:

- (1) Any person who in his or her individual capacity communicates with the city commission, city board or committee or member thereof or city manager or city staff for the purpose of self-representation without compensation for reimbursement for such communication, to express support of or opposition to any legislation.
- (2) Any person who lobbies as a representative or employee of a not-for-profit corporation or entity such as a homeowners or condominium association, or neighborhood association, or other not-for-profit corporation who is not specifically compensated for the lobbying appearance. This exception shall include any person who only appears in his individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

- (3) Any public officer, employee or appointee of a public body who only appears in his or her official capacity.
- (4) Any person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-7. - Penalties.

Violation of any provision of this article shall be punishable by a fine of five hundred dollars (\$500.00) and shall be subject to a resolution of censure by the city commission and shall be prohibited from lobbying the city for a period of two (2) years.

(Ord. No. 2011-2, § 1, 6-1-2011)

BROWARD COUNTY (CITY OF SEA RANCH LAKES)

Chapter 2 - ADMINISTRATION

FOOTNOTE(S):

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Charter reference— Officers, art. II; the mayor, art. III; village council, art. IV; municipal judge, art. V; village attorney, art. VI; police department, art. VII; clerk and administrative employees, art. VIII; revenue and taxation, art. IX; elections, art. X. [\(Back\)](#)

Cross reference— Any administrative ordinance of the village not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-9(3); any ordinance establishing positions, classifying positions, setting salaries of village officers and employees or any personnel regulations saved from repeal, § 1-9(14); elections, ch. 7; fire department, § 8-26 et seq.; fire prevention bureau, § 8-52 et seq.; law enforcement, ch. 9; planning, ch. 11; taxation, ch. 13; utilities, ch. 15. [\(Back\)](#)

Sec. 2-3. - Registration of lobbyist.

(a) Definitions:

"Lobbyist" shall be defined as any person or persons employed or retained, paid by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any council member: any action, decision, recommendation of the mayor or any village council member: or any action, decision or recommendation of any village personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the village council or a village board. The term specifically includes the principal as well as any employee engaged in lobbying activities.

- (b) Prior to engaging in each specific lobbying activity, a lobbyist as defined herein, shall sign a registration form maintained by the village clerk and file with the village clerk or the designee of the village clerk, the registration form which shall require the following information:
- (1) The name, address, a telephone number and email address of the lobbyist. The "address" must be physical address (e.g. not a Post Office box) where the lobbyist either resides or customarily does business.
 - (2) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with current or the most recent campaign of any current elect village official, or current candidate.
 - (3) Name, address, and phone number of the lobbyist's principals). if known at the time of registration. The "address" must be a physical address (e.g. a Post Office box) where the principal either resides or customarily does business.
 - (4) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
- (c) There shall be no fee charged by the village to any lobbyist or lobbyist's principal for registration or lobbying pursuant to this ordinance.
- (d) The lobbyist registration forms shall be maintained in the village clerk's office. The registration form must be signed by the lobbyist and required of each lobbyist for each separate
- (e) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register when attending any public hearing or public meeting of the village or a Village Board in the Village of Sea Ranch Lakes, Florida.

(Ord. No. 2012-01, § 2, 1-25-12)

BROWARD COUNTY (SOUTHWEST RANCHES)

ARTICLE VIII. - GENERAL PROVISIONS

Sec. 8.09. - Lobby or lobbyists.

The definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

(Ord. No. 2014-004, § 2(exh. A), 6-12-2014, ref. of 11-4-2014)

Chapter 6 - ELECTIONS^[1]

Footnotes:

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State Law reference— Florida election code, F.S. ch. 97 et seq.

Sec. 6-2. - Registration of lobbyists.

(a) *Definitions.*

Candidate means an individual who is conducting a campaign for elected office in the town.

Campaign means the election process for any elected town official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the town clerk and ending with the last day of voting which finally determines the outcome of the election.

Consideration means something of actual value.

Covered individual means (i) any member of the town's governing body; (ii) any member of a final decision-making body under the jurisdiction of the town; (iii) any individual directly appointed to a municipal employment position by the town council; (iv) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a municipal procurement; (vi) any employee, any official, or any member of a board or committee that has authority to make a final decision regarding a public procurement; (vii) the head of any department, division, or office of the town who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority; and (viii) members of all quasi-judicial boards, and appointed committees and boards.

Elected official means anyone elected or appointed as a town municipal official.

Immediate family means a spouse, "significant other," domestic partner, or a person who is related to a member of the council, candidate to become a member of the council as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, sister-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the member of the council, candidate to become a member of the council or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the member of the council, candidate to become member of the council or intends to form a household, or any other natural person having the same legal residence as the public officer or employee. For purposes of this section,

"domestic partner" is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

Legislation means any ordinance, resolution, or proposal of any kind which is the subject of present or prospective action by the municipal official.

Lobbying means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. "Lobbying" does not include communications:

- (1) Made on the record at a duly-noticed public meeting or hearing; or
- (2) From an attorney to an attorney representing the town regarding a pending or imminent judicial or adversarial administrative proceeding against the town.

Lobbyist or lobbying activities means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An elected official, employee, or appointee of the town communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Municipal official means any individual serving as a member of the governing body of the town.

Person means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to state law.

Registration means providing the information required by this section, in writing, annually, and in supplements and amendments, as may be required. "Register" means to provide a registration in such a manner.

(b) *Registration.*

- (1) Prior to engaging in lobbying activities, every lobbyist shall register with the town by filing with the town clerk the following information in writing:
 - a. The name, address and telephone number of the lobbyist. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.
 - b. The name, address and telephone number of who the lobbyist represents. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.
 - c. The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
 - d. The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediate family, or the lobbyist's client or

principal, has had with any covered individual, or member of the immediate family of any covered individual within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration.

- e. Any lobbyist receiving consideration for their lobbyist activities, must list of all campaign contributions to sitting municipal officials in the past four (4) years as well as contributions of all immediate family, lobbyist's principal, the officers, directors, shareholders of the lobbyist if the lobbyist is a corporation, or partners if the lobbyist is a partnership, or members, whether general or limited, if the lobbyist is a limited liability company, or lobbyist's client, which shall be disclosed in accordance with the town's code of ethics.
 - f. Any lobbyist receiving consideration for their lobbyist activities, must also include a list of any gift, including meals, valued over twenty-five dollars (\$25.00) given to any municipal official, spouses or registered domestic partners, their other relatives, and the municipal office staff.
- (2) All lobbyists shall fully, completely, accurately, and not misleadingly register and not omit material information, and/or file misleading and/or deceitful information in the registration.
 - (3) There shall be a fifty dollars (\$50.00) annual registration fee charged by the town to any lobbyist receiving consideration for their lobbying activities. Only one (1) annual registration fee and form is required. However, if any of the information required in the registration form is new or changed, then the lobbyist must supplement or amend the registration before performing additional lobbying activities.
 - (4) The registration information, and any supplement or amendment information shall be filed in the town clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury.
 - (5) Registration will be annual based upon the calendar year, and shall be renewed annually by the lobbyist for each year during which the lobbying activities are to take place.
 - (6) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register if the lobbyist only speaks at a public meeting of the town.
- (c) *Penalties.*
- (1) Once the town clerk has been notified of a failure to comply with registration requirements, the town shall collect a one-hundred dollar (\$100.00) late registration fee and register the lobbyist. Further, the failure to register shall be brought to the attention of the town council, who may set additional fines, reprimand, suspend, or prohibit the lobbyist from lobbying before the town council or members thereof, for a period not to exceed two (2) years.

(Ord. No. 2010-04, § 2, 1-21-2010; Ord. No. 2012-004, §§ 2, 3, 5-10-2012)

Editor's note— Ord. No. 2010-04, § 2, adopted Jan. 21, 2010, did not specifically amend the Code; hence, inclusion herein as § 6-2 was at the editor's discretion.

ARTICLE IX. - PROCUREMENT CODE

Sec. 2-208. - Competitive bid procedure.

- (a) *General requirements.* The following procedures shall be used for purchases within level 4. The town administrator shall be responsible for determining the procurement method (IFB, RFP or RLI) to be used for a particular procurement. The solicitation document should include, at a minimum:
 - (1) The purchase description;
 - (2) Specifications covering the item(s) needed;

- (3) Terms and conditions of the proposed contract;
- (4) General and special instructions to bidders, including the manner in which bids are to be submitted and the criteria for evaluating them;
- (5) Price sheets for the vendors to submit prices for the items requested and price increases for renewal years;
- (6) An offer and acceptance sheet for the vendor to sign its bid; and
- (7) The date, time and location where bids or proposals will be accepted.

In the case of construction solicitations, the initiating department shall be responsible for ensuring plans and specifications are reviewed and approved by the building department and that the design professional has obtained all necessary approvals prior to advertising bid documents.

(b) *Selection and negotiation committees.*

- (1) Where a selection committee (SC) or selection and negotiation committee (SNC) is required, the town administrator shall appoint the committee members. Town council members shall not serve on either an SC or an SNC. Selection committees shall have a minimum of three (3) and a maximum of five (5) members, and be comprised by an odd number of members. For three (3) member committees, at least one (1) member shall be a town employee, and for five (5) member committees, at least two (2) members shall be town employees. Except as provided in this subsection, no person other than town employees may serve on an SC or SNC. Persons from the private sector may be appointed as members of committees when contractual arrangements require the participation of the private sector. Persons from the public sector who are experts in certain areas may also be appointed to serve on committees. Additionally, representatives of the Broward County Chapter of the Florida Engineering Society and the AIA Fort Lauderdale may be appointed as members of committees for projects in which such local construction knowledge and experience is applicable. All committee members shall be free of conflicts of interest as provided in F.S. ch. 112, part III, as amended, and the Broward County Code of Ordinances, to the extent made applicable to the town. Notwithstanding the above, nothing herein shall be construed to prohibit members of the town council from serving on an SC or SNC where otherwise permitted by the applicable Broward County Code of Ordinances.
- (2) Department staff involved in the purchase and the town clerk or designee shall assist the SC or SNC with respect to background and reference checks, confirmation of responsiveness, coordination of meetings and other administrative tasks as may be necessary. The office of the town attorney shall provide advisory legal assistance to the committee. A majority of the members of the committee shall constitute a quorum, except in no event shall a quorum be less than three (3) members. Once a quorum is established, a committee meeting may start without regard to the absence of any other committee member. Appearance by telephone or conference call, as may otherwise be provided in this code shall not be permitted to achieve a quorum. Physical presence of committee members is required during any meetings wherein presentations or question and answer sessions are conducted with vendors and for ranking decisions. A committee member who is not present during all of the presentations or question and answer sessions shall not vote on the ranking itself. Portions of meetings of the SC or SNC shall be exempt from the sunshine law in accordance with F.S. § 286.0113.
- (3) If no contract negotiation is required, the town administrator may proceed to present the ranking and award recommendation to the town council. If negotiation is required with the top ranked firm, the committee shall proceed to meet with the top ranked firm as soon as practicable in accordance with the standard procedures set forth in this subsection. Alternatively, if negotiation by a committee is not required, and as may be provided in the solicitation, the town may designate a purchasing negotiator, who assisted by town staff, will attempt to negotiate a contract with the first-ranked/highest-evaluated vendor. The negotiated contract will be forwarded by the purchasing negotiator to the town administrator for final consideration by the awarding authority.

(c) *Cone of silence.*

- (1) *Defined.* "Cone of silence," as used herein, means a prohibition on any communication regarding a particular request for proposal ("RFP"), request for letters of interest ("RLI") or invitation for bid ("IFB"), between:
 - a. A potential vendor, service provider, proposer, bidder, lobbyist, or consultant; and
 - b. The town council members, town's professional staff including, but not limited to, the town administrator and his or her staff, or any member of the town's selection or evaluation committee.
- (2) *Restriction; notice.* A cone of silence shall be imposed upon each IFB, RFP and RLI, from the time of the advertisement. At the time of imposition of the cone of silence, the town administrator shall provide for public notice of the cone of silence by posting a notice at the town hall. The town administrator shall issue a written notice thereof to the affected departments, file a copy of such notice with the town clerk, with a copy thereof to each town council member, and shall include in any public solicitation for goods or services a statement disclosing the requirements of this subsection.
- (3) *Termination of cone of silence.* The cone of silence shall terminate at the beginning of the town council meeting at which the town administrator makes his or her written recommendation to the town council. However, if the town council refers the solicitation back to the administrator, staff or committee for further review, the cone of silence shall be re-imposed until such time as the administrator makes a subsequent written recommendation and commencement of the council meeting. The cone of silence shall also terminate in the event that the town administrator cancels the solicitation.
- (4) *Exceptions to applicability.* The provisions of this section shall not apply to:
 - a. Oral communications at pre-bid conferences;
 - b. Oral presentations before selection or evaluation committees;
 - c. Public presentations or comments made to the town council when the solicitation is on a duly noticed agenda;
 - d. Communications in writing with the town employee designated by the solicitation. The bidder or proposer shall file a copy of any written communication with the town clerk. The town clerk shall make copies available to any person upon request;
 - e. Communications regarding a particular RFP, RLI or IFB between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the town employee designated responsible for administering the procurement process for such RFP, RLI or IFB, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
 - f. Communications with the town attorney and his or her staff;
 - g. Duly noticed site visits to determine the competency of bidders or proposers regarding a particular solicitation during the time period between the opening of bids or proposals and the time the town administrator makes his or her written recommendation;
 - h. Any emergency procurement of goods or services pursuant to Town Code;
 - i. Responses to the town's request for clarification or additional information;
 - j. Contract negotiations during any duly noticed public meeting;
 - k. Communications to enable town staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the town's professional staff including, but not limited to, the town administrator and his or her staff are in writing or are made at a duly noticed public meeting.

- (5) *Penalties.* Prior to an award, violation of this section shall result in the disqualification of the bidder or proposer from further consideration. Discovery of a violation after an award by a particular bidder or proposer shall render any RFP award, RLI award or bid award to said bidder or proposer voidable by the town, and in the town's sole discretion.
- (d) *Public notice.* Unless pre-authorized by the town administrator, public notice of formal competitive solicitations shall be given not less than fourteen (14) calendar days prior to the date set forth in the notice for the opening of bids and proposals. Such notice shall be given by posting on-line, by advertising service or publication in a newspaper of general circulation in the town. The notice shall state the place, date and time of the bid or proposal opening. The notice requirements may be altered when required by applicable Florida Statutes.
- (1) *Bid and proposal submission.* Bids, proposals and responses to competitive solicitations shall be submitted in a sealed envelope which shall be clearly identified as a bid, proposal, or response and the applicable solicitation name and number shall also be identified on the exterior of the envelope and delivered to the office of the town clerk's office. Bids, proposals, or responses submitted by fax or email shall not be accepted. Additionally, bids, proposals, or responses which are in pencil shall not be accepted.
- a. When required by the solicitation, a pre-bid or pre-proposal meeting may be held after the issuance of the solicitation and before the bid or proposal due date, and in accordance with the solicitation.
 - b. Bids and proposals shall be opened publicly by the town administrator or designee and shall be witnessed by any person duly authorized by the town administrator at the time and place designated in the public notice of the solicitation. Persons in attendance at all bid meetings shall be documented by sign-in sheet.
 - c. For requests for proposals, a register of proposals shall be prepared and maintained by the responsible staff containing the name of each offeror.
 - d. No late bids shall be accepted or opened if received after the date and time specified in the public bid notice. All late bids shall be returned, unopened to the bidder or offeror.
 - e. Where applicable, selection committee meetings must be publicly noticed, convened and recorded within reasonable time from the opening and in accordance with the solicitation and F.S. §§ 286.011 and 286.0113. Notwithstanding anything herein which may be construed to the contrary, information which is exempt from public inspection or copying pursuant to F.S. § 119.071 shall not be disclosed during bid or proposal opening, and shall be maintained as exempt unless and until disclosure is required or permitted by law.

(Ord. No. 2011-015, § 10, 9-22-2011; Ord. No. 2012-08, § 2, 7-12-2012)

BROWARD COUNTY (CITY OF SUNRISE)

ARTICLE I.5. - LOBBYING

Sec. 2-10. - Title; intent and purpose.

- (a) This article shall be known and may be cited as the "City of Sunrise Lobbying Registration Act."
- (b) *Purpose and intent.* The City of Sunrise believes that it is desirable to preserve and maintain the integrity of the governmental decision-making process. As such, the city believes that it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city commissioners on matters within their official jurisdictions, either by direct communication to such commissioners or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-11. - Definitions.

As used in this article, unless the context otherwise indicates:

- (a) *Commission* means the City Commission of the City of Sunrise, Florida.
- (b) *Elected official* means any member of the City Commission of the City of Sunrise.
- (c) *Expenditure* means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.
- (d) *Lobbying or lobbying activities* means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:
 - (1) Made on the record at a duly-noticed public meeting or hearing; or
 - (2) From an attorney to an attorney representing the City of Sunrise regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Sunrise.
- (e) *Person* means any individual, business, corporation, association, firm, partnership, organization, group, or other entity, whether operated for profit or not for profit.
- (f) *Lobbyist* means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
 - (1) An elected official, employee, or appointee of the City of Sunrise, Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - (3) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or

- (4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (g) *Employer* means any person providing or agreeing to provide compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.
- (h) *Compensation* means paying or agreeing to pay or give, directly or indirectly, any money, anything of value, or reimbursement of expenses (in whole or in part), in consideration for the performance of lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-12. - Lobbying registration, statements, and fees.

- (a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall file with the city clerk, on a form prescribed by the city clerk, an annual lobbyist registration form statement under oath containing the following information:
 - (1) The lobbyist's full name, business name, business address, and nature of business;
 - (2) The full name and business address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement;
 - (3) The general and specific subject matters which the lobbyist seeks to influence;
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Sunrise. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation;
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter;
 - (6) The lobbyist shall pay to the city any registration fee required for an annual or amended registration statement. The city commission may determine and amend the registration fee by resolution. A lobbyist who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.
- (b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
- (c) Registration statements are effective from October 1 of a given year through September 30 of the following year. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.
- (d) *Annual expenditures report disclosure statement required.* On or before October 15 of each year, each lobbyist shall submit to the city clerk, in form prescribed by the city clerk, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from October 1 of the prior year through September 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include the lobbyist's personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A

public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

- (e) Upon verification of a lobbyist's failure to file the expenditures report, the city clerk shall notify the lobbyist by certified mail that the expenditures report must be filed within five (5) business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he or she shall submit the outstanding annual expenditures report, a new registration form, and payment for any outstanding fines accrued prior to re-registration.
- (f) *Penalties for violations.* Penalties may be determined by the city commission after it issues written notice to any violator and provides said violator with thirty (30) days to request a public hearing.
 - (1) The following penalties are established and may be considered by the city commission in enforcement of this article through prosecution of violations pursuant to the City Code.
 - a. Public reprimand or censure;
 - b. Debarment for a period not to exceed two (2) years;
 - c. Authorize a civil action in a court of competent jurisdiction, including an action for injunctive relief;
 - d. Any lobbyist who fails to file the expenditures report by the respective deadlines of October 15 of any year for each fiscal year shall be subject to a daily fine of twenty-five dollars (\$25.00) for each late day up to a maximum of one thousand five hundred dollars (\$1,500.00) per late report.
 - (2) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this article.
 - (3) In any action filed by the city to enforce this ordinance, the city shall be entitled to recover reasonable attorney's fees and costs.
- (g) *List of current lobbyists.* The city clerk shall keep a current list of registered lobbyists and their respective statements, all of which shall be open for public inspection.
- (h) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-13. - Contingency fees; disclosure; penalties.

- (a) "*Contingency fee*" means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the commission.
- (b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to section 2-12.
- (c) A failure to comply with this section may result in the penalties provided in section 2-12 or any other penalties provided by law.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-14. - Registration of contacts.

All lobbyists shall legibly complete, at each time of meeting or communication with an elected official at the elected official's offices or elsewhere on city premises, a contact log maintained and available in the office reception areas of the city commissioners' office. The information on the contact log shall include the lobbyist's name, the name of the entity by which the lobbyist is employed; the name of each elected official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting. The contact log shall be completed contemporaneously with the meeting or communication and shall be filed for public inspection.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-15. - Reserved.

BROWARD COUNTY (CITY OF TAMARAC)

ARTICLE XII. - LOBBYING ACTIVITIES

Sec. 2-409. - Title; intent and purpose.

- (a) Sections 2-409 through 2-415 of Chapter 2, Tamarac Code of Ordinances, may be cited as the "Tamarac Lobbyist Registration Act."
- (b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-410. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the city commission of Tamarac, Florida, or any other decision-making body under the jurisdiction of the city commission.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a member of a board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

Lobbyist means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- (1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-411. - Lobbyist registration and statements.

- (a) *Registration statement required.* By January 2, 2012, and annually thereafter, every lobbyist shall file with the city clerk the following information:

- (1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business address, and nature of business.
 - b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.
 - c. The subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Tamarac. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.
- (b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.
- (c) *Fees.* A lobbyist shall pay to the city clerk's office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-412. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

- (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-413. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-414. - Contingency fees; disclosure.

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.
- (b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-415. - Penalties.

- (a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.
- (b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.
- (c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.
- (d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the Broward County Office of the inspector general as provided for by Article XII of the Broward County Charter.

(Ord. No. 18, § 2, 12-14-11)

Secs. 2-416—2-420. - Reserved.

BROWARD COUNTY (CITY OF WEST PARK)

ARTICLE VII. - LOBBYING ACTIVITIES

Sec. 2-201. - Title; intent and purpose.

- (a) Sections 2-201 through 2-207 of chapter 2, West Park Code of Ordinances, may be cited as the "West Park Lobbyist Registration Act. "
- (b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The City Commission of the City of West Park hereby determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and covered individuals under the jurisdiction of the city commission.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-202. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the City Commission of West Park, Florida or any other decision-making body under the jurisdiction of the city commission.

Covered individual means (i) any member of the city commission; (ii) the mayor of the city; (iii) any member of a final decision-making body under the jurisdiction of the city commission; (iv) all city officials and offices appointed by the city commission or mayor; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a city procurement; the head of any department, division, or office of the city who makes final recommendations; (vi) members of taxing authorities, quasi-judicial boards or committees and (vii) members of appointed boards and committees.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a member of a Board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communication made on the record at a duly-noticed public meeting or hearing.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

Lobbyist means:

- (1) A person who is retained, with or without compensation, for the purpose of lobbying; or
- (2) A person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity; or
- (3) A person who is a board member or administrative staff of a non-profit organization seeking to secure an agreement to provide services to or on behalf of the city.

"Lobbyist" does not include a person who is:

- (1) An elected official, employee or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.

- (3) Any employee, officer or board member of a homeowner's association, condominium association or neighborhood association when addressing, in his or her capacity as an employee, officer or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, officer or board member of a nonprofit public interest entity (e.g. Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-203. - Lobbyist registration and statements.

- (a) *Registration statement required.* By May 3, 2012 and annually thereafter, every lobbyist shall file the following information with the city clerk:
 - (1) Prior to engaging in lobbying activities, a sworn registration statement, containing the following information:
 - a. The lobbyist's full name, residence address, business address and nature of business.
 - b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any activities on behalf of such unlisted person(s), file an amendment to the registration statement in such form prescribed by the city clerk, containing all the information required in the annual registration statement.
 - c. The subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of West Park. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion or other documentation of action shall be attached to the statements required by this subsection.
- (b) *Lists of current lobbyists.* The city clerk shall keep a current list of registered lobbyists and their respective reports required under this Article, all of which shall be open for public inspection.
- (c) *Fees.* A lobbyist shall pay an annual registration fee to the city clerk's office. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-204. - Filing of a contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a

contact log listing each member of the board with whom the lobbyist, principal or employer meets or intends on meeting or communicating.

- (1) The information stated on the contact log shall include (i) the lobbyist's name; (ii) the name of the entity by which the lobbyist is employed; (iii) the name of the person or entity for whom or which he or she is lobbying; (iv) the name of each member of the board with whom he or she is meeting or communicating; (v) the date and time of each such meeting and (vi) the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-205. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-206. - Prohibition on lobbyists serving on committees and boards.

No lobbyist may serve on an advisory board of the city. If it is determined by the city administrator or designee that an appointed member of a city advisory board or committee has either registered as a lobbyist or is operating as a lobbyist, said person shall no longer be permitted to serve on the applicable board or committee. In such circumstance, the city administrator shall send a letter to the lobbyist with a copy to all Commissioners and covered individuals as defined herein. The lobbyist shall not be considered for reappointment to any board committee until 12 months following the time that the person engaged in the last lobbying activity or as determined by the city commission.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-207. - Contingency fees; disclosure.

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation, which is dependant, or in any way contingent on the enactment, defeat, modification or other outcome of any specific action of the city commission.
- (b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of a contingency.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-208. - Reporting and penalties.

- (a) The Broward County Inspector General may be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and in such instance, may conduct such investigation as he or she may deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.
- (b) The city commission may warn, reprimand or impose a penalty as set forth in the city's Code of Ordinances or censure the violator or may suspend or prohibit the violator from appearing on behalf

of any employer or person before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer or person in any fashion for a period of time not to exceed two years. Other than committee service as set forth in section 2-206 of this article, no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.

- (c) The validity of any action taken by the city commission, city employees or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.
- (d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed as to limit the authority of the Broward County Office of the Inspector General as provided for by Article XII of the Broward County Charter.

(Ord. No. 2012-05, § 2, 5-2-2012)

BROWARD COUNTY (CITY OF WILTON MANORS)

ARTICLE IX. - LOBBYING ACTIVITIES

Sec. 2-352. - Title; intent and purpose.

- (a) Sections 2-352 through 2-358 of this Code, may be cited as the "Wilton Manors Lobbyist Registration Act."
- (b) The city commission determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city commissioners, decision-making bodies under the jurisdiction of the city commission, and certain city employees on matters within their official jurisdictions, either by direct communication to such city commissioners, decision-making bodies, or city employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-353. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the City Commission of Wilton Manors, Florida.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or any member of any decision-making body under the jurisdiction of the city commission, or any city employee, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission, or any decision-making body under the jurisdiction of the city commission, which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body or any employee making a final city procurement decision.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

Lobbyist means any 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. Any person who, in his or her individual capacity, merely communicates with the city commission, a commissioner, a decision-making body under the jurisdiction of the city commission, or any city employee, for the purpose of self-representation, without compensation or reimbursements, to express support of or opposition to any item which may be presented for a vote before the city commission, and who shall so declare to the person or body with whom he or she discusses any such item, shall not be required to register as a lobbyist. Additionally, any individual who engages in lobbying as a volunteer, without payment of any compensation or reimbursement of expenses, either directly or indirectly, shall not be required to register as a lobbyist.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-354. - Lobbying registration and statements.

- (a) *Registration statement required.* Every lobbyist shall file with the city clerk the following information:
- (1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:
 - a. The lobbyist's full name, residence address, business address, and nature of business.
 - b. The full name and address of his or her employer, if any.
 - c. The general and specific subject matters which the lobbyist seeks to influence.
 - d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Wilton Manors. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraphs (1) and (2) of this subsection.
 - (2) A lobbyist shall annually submit to the city clerk's office a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from October 1 to September 30 shall be filed no later than October 15 of each year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. Said statements shall be rendered in the form provided by the city attorney's office and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.
 - (3) Statements shall be filed not later than 5:00 p.m. on the date the statement is due. However, any statement that is postmarked by the United States Postal Service no later than midnight of 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 which bears a date on or before the due date, shall be proof of mailing in a timely manner. The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a statement shall be notified and assessed fines. The procedure shall provide for the following:
 - a. Upon determining that the statement is late, the person designated to review the timeliness of statements shall immediately notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be fifty dollars (\$50.00) per day for each late day.
 - b. Upon receipt of the statement, the person designated to review the timeliness of statements shall determine the amount of the fine due based upon the earliest of the following:
 1. When a statement is actually received.
 2. When the statement is postmarked.
 3. When the certificate of mailing is dated.
 4. When the statement from an established courier company is dated.
 - c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless appeal is made to the city commission.
 - d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed. However, to receive the one-time fine waiver, all

statements for which the lobbyist is responsible must be filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

- e. Any lobbyist 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 city commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within twenty (20) days after receipt of the notice of payment due. In such case, the lobbyist shall, within the twenty-day period, notify the person designated to review the timeliness of statements in writing of his or her intention to bring the matter before the city commission.
- (b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.
- (c) *List of employers.* A lobbyist shall file a registration statement for each employer on whose behalf he or she lobbies.
- (d) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement required by subsection (a)(2) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-355. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-356. - Contingency fees; disclosure; penalties.

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.
- (b) A lobbyist shall disclose any compensation received in the form of contingency fees in the annual statement filed pursuant to subsection 2-354(a)(2).
- (c) In addition to the penalties provided in sections 2-354 and 2-357, any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-357. - Penalties.

- (a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.
- (b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any

employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act, except as provided in subsection 2-356(c). The intentional failure or refusal of any lobbyist to comply with any order of the city commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

- (c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-358. - Registration of contacts.

All persons shall sign, at each time of contact, the contact logs maintained and available at city hall and each department of city government. The person shall state his or her name; the name of each employer, if any, represented in the course of the particular contacts; with whom the contact is made; and the topic of the contact. The contact logs shall be transmitted to the city manager at the end of each quarter.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-359. - Annual registration fee.

The annual registration fee to be paid by a lobbyist shall be one hundred fifty dollars (\$150.00). The annual registration fee shall be paid within ten (10) days after filing a registration statement. The annual registration fee may be amended by resolution of the city commission.

(Ord. No. 1001, § 2, 1-24-12)

COLLIER COUNTY

ARTICLE X. - COLLIER COUNTY ETHICS^[28]

Footnotes:

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Editor's note— Ord. No. 2004-05, §§ 1—10, amended Art. X, §§ 2-2051—2-2060, in its entirety. Formerly, said article pertained to similar subject matter as enacted by Ord. No. 2003-53.

Sec. 2-2051. - Title and citation.

This Article shall be known and cited as the "Collier County Ethics Ordinance".

(Ord. No. 03-53, § 1, 9-23-03; Ord. No. 04-05, § 1)

Sec. 2-2052. - Scope.

This Article shall apply to all public servants of the Collier County Board of County Commissioners, which includes public officials, whether elected or appointed, and all County employees.

(Ord. No. 03-53, § 2, 9-23-03; Ord. No. 04-05, § 2)

Sec. 2-2053. - Statement of policy.

It is the public policy of Collier County that public servants work for the benefit of the citizens of Collier County. It is the responsibility of each public servant to act in a manner that contributes to ensuring the public's trust in its government. In particular, to always be honest with the public they serve, and to be good stewards of the tax dollars entrusted to them. To this end, an individual covered by this article shall: (1) not use his or her position as a public servant for unlawful gain or enrichment; (2) avoid conduct that gives the appearance of impropriety in the performance of his or her public duties; and (3) not accept any items of value if the public servant knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties. The statement of policy and general standards of conduct set forth in this section are not subject to the penalties provided for in this Article.

(Ord. No. 03-53, § 3, 9-23-03; Ord. No. 04-05, § 3)

Sec. 2-2054. - Findings.

- (a) The report submitted to the Collier County Board of County Commissioners ("board") on September 15, 1998, by the Ad Hoc Ethics Standards Review Committee ("committee"), recommended the adoption of a local ethics code.
- (b) The board finds that the legislative intent and declaration of policies set forth in F.S. § 112.311, sets forth a laudable philosophy regarding the purpose, scope and application of ethics laws in relation to county officers and employees. Moreover, the board also finds, based on the committee's report, that additional, more stringent requirements are needed with regard to lobbyists, gifts, and post-county employment restrictions in order to promote and protect the public trust in its local government.

- (c) F.S. § 112.326, authorizes the board to impose more stringent standards of conduct and disclosure requirements, beyond those specified in F.S. ch. 112, pt. III, upon its own officers and employees provided that said standards of conduct and disclosure requirements do not otherwise conflict with F.S. ch. 112, pt. III.
- (d) F.S. § 125.69(1), provides, in pertinent part, that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. The board further finds that an efficient and effective method for the determination of allegations of violations of the additional more stringent ethical standards set forth in this article is through local enforcement thereof.
- (e) F.S. § 112.313(13), authorizes the board to adopt an ordinance establishing post-employment restrictions for certain designated county employees.
- (f) The board finds that preservation of the integrity of the governmental decision-making process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of efforts to influence legislative branch action, the board finds it appropriate to require public registration and disclosure of the identity of certain persons who attempt to influence actions of the board or actions of any of the county's quasi-judicial boards.
- (g) F.S. § 112.3148(2)(b), authorizes the board to establish a local registration process for lobbyists. The board finds that such a registration process serves to promote and protect governmental integrity as well as to foster open government. The board further finds that such a public registration process for lobbyists may assist to promote full compliance by lobbyists with the lobbyist gift reporting requirements set forth in F.S. § 112.3148.
- (h) The board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in F.S. § 112.3148. Specifically, the board finds that a zero gift limit, rather than \$100.00 as set forth by F.S. § 112.3148, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process.
- (i) The board finds that additional gift prohibitions are necessary for public officials prohibiting the receipt of any gift or any other thing of monetary value from anyone who the public official knows or reasonably should know is any way attempting to affect the official actions, business or finances of the county or from anyone that has an interest that may be substantially affected by the performance or nonperformance of duties of a public official. The board further finds that prohibitions are necessary in regard to gifts between official superiors and subordinate public officials in order to preserve the ethical integrity of the performance of public service by county human resources.
- (j) Collier County Office of the County Administrator, Administrative Procedure, Instruction 5311(F) (Code of Ethics/Standards of Conduct), restricts Collier County employees from receiving gifts or other items of value in connection with the performance of official duties. Said restrictions exist separate and independent from the provisions of this article and F.S. ch. 112, pt. III.
- (k) Nothing in this article shall be construed to chill, restrict or prohibit the free exercise of any citizen's constitutional rights, including, but not limited to, the right to petition his or her county government or exercise his or her rights of free speech.

(Ord. No. 03-53, § 4, 9-23-03; Ord. No. 04-05, § 4)

Sec. 2-2055. - Definitions.

- (a) For the purposes of this Ordinance, the definitions contained in F.S. ch. 112, pt. III, shall apply and control, in accordance with the subject matter, unless the text and/or context of this Ordinance provides otherwise.

Advisory board member means any person appointed by the Board of County Commissioners to any county board, committee or authority which has any final decision-making authority. Such boards include, but are not limited to:

Airport				Authority
Collier	County	Code	Enforcement	Board
Collier	County		Planning	Commission
Contractors		Licensing		Board
Library		Advisory		Board
Public	Vehicle		Advisory	Committee
Utility Authority				

County employee shall mean any employee of Collier County, regardless of whether the employee is ultimately supervised by the Board of County Commissioners, the county manager, the county attorney, the airport authority or the executive director of the airport authority.

County Managerial Employee shall mean the County Manager, Assistant and/or Deputy County Manager, County Attorney, Chief Assistant County Attorney and all Division Administrators, and Department and Authority Directors of Collier County Government. Also included in this definition are procurement employees and those county employees actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

Gift shall have the definition contained in F.S. ch. 112, pt. III, with the following additions and exceptions:

(1) Additions:

- a. Initiation fees.

(2) Exceptions:

"Gift" shall not include:

- a. Salary, benefits, services, fees, commissions, gifts, or expenses associated solely with the donee's non-county employment, business, or service as an employee, official or director of a corporation or organization. However, for purposes of this exemption from the definition of "gift" in this article, public servants may only engage in such non-county employment or economic activity if: (1) such non-county employment or economic activity does not create a conflict of interest as defined by F.S. § 112.312(8), i.e., a situation in which regard for a private interest tends to lead to disregard of a public duty or interest; and (2) all applicable county administrative procedures governing such non-county employment or economic activity are followed.
- b. Contributions or expenditures reported pursuant to F.S. ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- c. Gifts received from relatives, as defined in this section, or gifts received from a person who shares the same permanent legal residence at the time of the gift. However, no public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.
- d. Food or beverage accepted when: (i) offered free in the course of a professional or civic meeting or group function at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar, or educational conference.

In addition to all other circumstances where this Ordinance allows public servants to accept food and beverages, and notwithstanding any other section of this Ordinance or personnel manual to the contrary, public officials and all county employees may accept food or beverage as mentioned above in this subsection and consumed at a single sitting or event only if the costs for said food or beverage do not exceed the greater of \$25.00 or the rate for the appropriate per diem allowance for said meal as provided in F.S. ch. 112. If, under circumstances beyond the control of the donee, the costs exceed this rate, the donee may accept said food or beverage but shall file a written disclosure statement within five working days of the acceptance with the County Manager on a form provided by the County Manager.

The value of food or beverages, for purposes of this subsection, shall be the price that the consuming public would be expected to pay for the same item(s).

- e. Unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, and other items of nominal commercial value may be accepted from individuals or entities that are not currently in a contractual relationship or reasonably likely to seek a contractual relationship with Collier County. Unsolicited job-related literature may be accepted as well.
- f. Gifts given for participation in a program, seminar, or educational conference when such gifts are:
 - 1. Of nominal commercial value, and
 - 2. In the nature of a remembrance traditional to the particular sponsoring entity, or
 - 3. Provided to all participants in the program.
- g. An award, plaque, certificate, or similar personalized item of nominal commercial value given in recognition of the donee's public, civic, charitable, or professional service.
- h. A rate or terms on a debt, loan, goods, or services, which rate and terms are customary and are at a government rate and terms available to all other similarly situated government employees or officials, or rates and terms which are available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- i. Food or beverage items when offered as a customary courtesy to all attendees at any business meeting or business activity at which attendance by the public servant(s) in question is required or appropriate for purposes of performing county job duties or county responsibilities, provided that such food or beverage items would have a reasonably estimated value of no more than \$25.00.
- j. A rate offered to Commissioners at an event serving a valid public purpose, which rate is less than that offered the general public, that represents the actual cost of the event (such as food, beverage, and entertainment) to the sponsor, but that does not include the charitable donation otherwise included in the total cost to attend the event. Commissioners may contact the event sponsor to seek this rate.

Lobbying shall mean, for compensation: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member or employee of the Board or of a Collier County Advisory Board or a quasi-judicial board.

Lobbyist shall mean:

- (1) Any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.
- (2) 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.

- (3) A person who registers with the board as a lobbyist pursuant to this article.
- (4) Attorneys representing clients in quasi-judicial matters are not considered lobbyists or engaged in lobbying since, as judicial officers, their conduct is regulated exclusively by the judicial branch. However, attorneys representing clients or interests in legislative matters, for compensation, are engaged in lobbying and are subject to the provisions contained in this article.

Nominal commercial value means anything with a value of less than \$50.00 in the marketplace.

Principal shall mean the person, firm, corporation, or other entity that has employed or retained a lobbyist.

Procurement employee means any county employee who actively participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities.

Public official means members of the Board of County Commissioners, advisory board members, and county managerial employees.

Public servant includes all public officials and all county employees, as defined in this article.

Relative, as used in this article, is one who is related to another by blood, marriage, or adoption. The following relationships are included in this definition: husband, wife, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step grandparent, step grandchild, half brother, and half sister.

Reporting individual means any public servant, who is required by law, pursuant to Article II, Section 8 of the State Constitution or F.S. § 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

(Ord. No. 03-53, § 5, 9-23-03; Ord. No. 04-05, § 5; Ord. No. 2011-15, § 1; Ord. No. 2013-39, § 1)

Sec. 2-2056. - Standards of conduct.

- (a) A public official shall not accept a gift, directly or indirectly, if he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.
- (b) No public official shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.
- (c) The following provisions regarding gifts from lobbyists are enacted as additional and more stringent standards of conduct and disclosure requirements than those specified in F.S. § 112.3148:
 - (1) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or a committee of continuous existence, as defined in F.S. § 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of

the partner, firm, employer, or principal of a lobbyist. However, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

- (2) A political committee or a committee of continuous existence, as defined in F.S. § 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.
 - (3) The prohibitions set forth in this Section 2-2056 at subsections (c)(1) and (c)(2) above, are not intended to and shall not prevent a reporting individual or procurement employee who is a declared candidate for elective public office from accepting campaign contributions to the extent allowed by state or federal law.
- (d) The following gift prohibitions for public officials are enacted as additional and more stringent standards of conduct than those specified in F.S. § 112.3148:
- (1) Public officials shall not solicit or accept, directly or indirectly, any fee, compensation, gift, gratuity, favor, food, entertainment, loan, or any other thing of monetary value, from anyone who the public official knows or reasonably should know:
 - a. Has, or is seeking to obtain, contractual or other business or financial relations with the county department or board with which the public official is affiliated.
 - b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the county department or board with which the public official is affiliated.
 - c. Is seeking zoning, permitting, or inspection approval from the county department or board with which the public official is affiliated.
 - d. Has interests that may be substantially affected by the performance or non-performance of duties of the county public official.
 - e. Is in any way attempting to affect the official actions of the county public official.
- This paragraph is not intended to: (i) prohibit a public official from obtaining a loan from a financial institution at a rate and terms available to all other similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; (ii) to prevent public officials from accepting a gift under \$25.00 from a constituent or from a non-lobbyist, when customary to do so, such as within the context of a social setting, unless he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties; or (iii) to otherwise accept personal gifts from individuals who do not fall within the prohibitions set forth above when the circumstances demonstrate that the motivation for the gift was clearly the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the public official in the performance of his or her official duties.
- (e) No public official shall solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a subordinate public official.
 - (f) No public servant shall solicit a contribution from another person for a gift to a supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee he or she supervises, except as provided in subsection (g).
 - (g) Nothing in this section shall prohibit donations or giving gifts of nominal commercial value made between or amongst public servants on a special occasion or an established holiday. A special

occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, an adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or other similar occurrences. Nor does this paragraph prohibit public servants from participating in fund-raising activities for charitable purposes.

- (h) This section does not apply to items of value excepted out of the definition for a gift.

(Ord. No. 03-53, § 6, 9-23-03; Ord. No. 04-05, § 6; Ord. No. 2013-39, § 2)

Sec. 2-2057. - Lobbyist registration and disclosure requirements.

- (a) All lobbyists shall before engaging in any lobbying activities, register with the clerk to the board located at the board minutes and records department. Every lobbyist required to so register shall register quarterly on a calendar year basis on forms prepared by the clerk; pay an annual nonrefundable registration fee of \$25.00; and state under oath or by written declaration in accordance with F.S. § 92.525, his or her name, business name and address, and the name and business address of each person or entity that has employed said registrant to lobby, as of the date of said registration. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the clerk, to not be listed as a lobbyist. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of 12 months from the expiration of the quarterly registration.
- (b) Quarterly registration shall be required and shall initially commence on April 2, 2007. Thereafter, quarterly registration shall occur every three months. Quarterly registration is required regardless of whether there is any change in employers of the lobbyist. The lobbyist may indicate "no change" if appropriate. Initial registration by a lobbyist may occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.
- (c) The registration fee required by this section shall be maintained by the clerk to the board and shall be deposited into a separate fund to be expended for the purpose of administering and maintaining the lobbyist registration list as well as to cover other related costs. Lobbyists shall not be charged a fee for filing the form for removal from the lobbyist list.
- (d) The following persons shall not be required to register as lobbyists:
 - (1) Any public officer, employee or appointee who appears in his or her official capacity.
 - (2) Law enforcement personnel conducting an investigation.
 - (3) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support or opposition to any item.
 - (4) Any person who only appears as a representative of a neighborhood association without special compensations or reimbursement for their appearance, whether direct, indirect or contingent, to express support or opposition to any item.
 - (5) Attorneys representing clients before a quasi-judicial body.
- (e) The clerk to the board shall keep accurate and complete records regarding lobbyist registration including an up-to-date list of all lobbyist registrations, lobbyists withdrawals from the list and a "lobbyist status unknown" list.
- (f) A registration form that is not renewed within 20 calendar days of the end of each quarter of the calendar year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities. In such a case, the lobbyist must renew his or her registration and pay the nonrefundable annual fee in order to continue engaging in lobbying activities.

- (g) The validity of any action or determination of the board or of any county personnel, board or committee, shall not be affected by failure of any lobbyist to comply with the provisions of this section.
- (h) All lobbyists shall disclose and make known the name or identity of the principal(s) by whom they are employed whenever they engage in lobbying activities as such activities are defined in this section.

(Ord. No. 03-53, § 7, 9-23-03; Ord. No. 04-05, § 7; Ord. No. 2007-24, § 1)

Sec. 2-2059. - Incorporation of state law by general reference.

The provisions of State law governing ethics for public officers and employees, including F.S. ch. 112, pt. III, are hereby incorporated by general reference as they may exist and be amended from time to time. To the extent that the provisions of this Ordinance are more stringent than those of State law, then this Ordinance shall apply.

It shall be the duty of each commissioner and of all county managerial employees and reporting individuals to become familiar with the Collier County Ethics Ordinance. To this end, the human resources director shall annually distribute to each such person a current copy of the "Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Employees" (or similar Florida Commission on Ethics publication) and a copy of this article. The specific duties set forth in this section of this article regarding familiarity with the ethics rules and distribution of informative materials shall not be subject to the penalties set forth in this article.

(Ord. No. 03-53, § 9, 9-23-03; Ord. No. 04-05, § 9; Ord. No. 2013-39, § 3)

Sec. 2-2060. - Penalties.

Pursuant to F.S. § 125.69, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the Collier County Jail not to exceed 60 days or by both such fine and imprisonment.

(Ord. No. 03-53, § 10, 9-23-03; Ord. No. 04-05, § 10)

DUVAL COUNTY (CITY OF JACKSONVILLE)

PART 8. - LOBBYING

Sec. 602.801. - Registration of lobbyists; registration statements.

- (a) For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following:
 - (1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or
 - (2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).
- (b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary. Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered. A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary. The Council Secretary shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required. If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.
- (c)
 - (1) When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.
 - (2) A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.
 - (3) A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.
- (d) The following persons shall not be required to register as lobbyists:
 - (1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement;

- (2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;
 - (3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency;
 - (4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto;
 - (5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist;
 - (6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.
- (e) This section is limited to registration issues only, and nothing contained in this section shall be interpreted to limit the gift and honoraria solicitation and acceptance prohibitions set forth in Part 7 of this Chapter.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2; Ord. 2008-839-E, § 5)

Sec. 602.802. - Restricted activities.

No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. 97-890-E, § 1)

Sec. 602.803. - Fee disclosure.

A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

(Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 5)

Editor's note— Ord. No. 2007-329-E, § 3, amended the Code by adding a new § 602.803, and renumbering former § 602.803 as a new § 602.804.

Sec. 602.804. - Penalties.

A person who, knowingly and willfully:

- (a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so; or
- (b) Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part;

(c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or

(d) Commits, or procures or acquiesces in the commission of, any violation of this Part;

shall be guilty of a class D offense against the City.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2)

Note— See editor's note, § 602.803.

HILLSBOROUGH

ARTICLE III. - LOBBYING

Sec. 2-217. - Definitions.

As used in this article:

Affected personnel means a member of the Board of County Commissioners, the County Administrator, the Deputy County Administrator, any Assistant County Administrator, any Department head, the County Attorney, the County Internal Auditor, or any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer.

Government employees means all agents of government, whether elected or appointed, paid or unpaid, hired or under contract as a consultant or attorney, who are acting on behalf of the United States, the State of Florida, its agencies, political subdivisions, special districts and municipalities.

Lobbying means communicating directly or indirectly, outside a duly noticed public meeting or hearing on the record with affected personnel in order to encourage the passage, defeat, or modification of any item pending or likely to be pending in the near future, before the Board of County Commissioners or being considered by the lobbied employee for presentation or recommendation to the Board of County Commissioners, or to any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer. Lobbying shall include all forms of communication, whether oral, written or electronic.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for direct or indirect economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Relative shall mean any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law, brother-in-law, or sister-in-law.

(Ord. No. 07-8, § 1, 3-23-2007; Ord. No. 16-1, § 1, 1-21-2016)

Sec. 2-218. - Registration of lobbyists.

All persons who are lobbyists under Section 2-217 must register. Thereafter, all lobbyists shall register and re-register, as applicable, prior to January 1 of each year. The lobbyist shall pay a fee of \$50.00 annually. Persons who lobby only on behalf of nonprofit corporations are not required to pay the annual fee. All lobbyists must update their registration when they engage a new client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the county attorney. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of interest, and the nature and extent of any direct business association or partnership with any current member of the board. Each lobbyist shall sign a form, to be prepared by the County Attorney's office, indicating that he or she has read the lobbying ordinance and will abide by its provisions.

Registered lobbyists shall be prohibited from lobbying any Commissioner or other affected personnel regarding official County business via text message on that Commissioner's or personnel's private cell phone or other private media, such as private e-mails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the Commissioner's County e-mail address.

(Ord. No. 07-8, § 2, 3-23-2007; Ord. No. 16-1, § 2, 1-21-2016)

Sec. 2-218.5. - Record of meetings; meeting logs.

Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a Commissioner shall sign meeting logs maintained and available in the office of reception of the Board of County Commissioners. Meeting logs shall be available in designated County Department for meetings with affected personnel. Each person shall provide his or her name, whether the person is attending the meeting as a part of his or her employment or otherwise for compensation, the name of each principal, if any, represented in the course of the particular meeting, and the subject matter of the meeting. Upon submitting the information in the meeting log, the Commissioner and the Commissioner's aides, or the affected personnel, and the County Attorney's office will receive concurrent notification. All meeting logs shall be maintained by the County for a period of five fiscal years.

The following shall not be required to sign the meeting logs:

- (1) Hillsborough County employees, and employees of other Hillsborough County agencies;
- (2) Law enforcement officers; and
- (3) Relatives.

(Ord. No. 16-1, § 2, 1-21-2016)

Sec. 2-219. - Exceptions.

The following persons shall not be required to register as lobbyists under Section 2-218:

- (1) Government employees discussing government business. Government business shall not include discussions regarding a competitive procurement when an employee's agency is a participant in a competitive procurement process;
- (2) Law enforcement personnel conducting an investigation;
- (3) Persons who communicate with affected personnel in their individual capacity for the purpose of self-representation, or on behalf of their immediate family, without compensation or reimbursement; and
- (4) Persons or representatives of organizations contacted by affected personnel when the contact is initiated by that Board member or employee.

(Ord. No. 07-8, § 3, 3-23-2007)

Sec. 2-220. - Reserved.

Editor's note— Ord. No. 13-17, adopted June 19, 2013, moved section 2-220. The user's attention is directed to Ch. 2, Art. VIII for similar provisions.

Sec. 2-221. - Maintaining registrations.

There shall be established in the County Attorney's office a staff position whose duties include the maintenance of lobbyist registrations, the investigation of alleged violations, and the enforcement of any penalties.

(Ord. No. 07-8, § 5, 3-23-2007; Ord. No. 16-1, § 4, 1-21-2016)

Sec. 2-221.5. - Enforcement.

If the County Attorney's office is informed of any person who has failed to comply with the requirements of this article, the County Attorney's office shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the County Attorney's office determines that a violation may have occurred based on the results of the investigation, the County Attorney's office shall assess the penalty as provided in Section 2-222. Any appeal of this assessment shall go to a hearing officer for his or her recommendation. The recommendation will then go to the Board of County Commissioners for final resolution.

(Ord. No. 16-1, § 5, 1-21-2016)

Sec. 2-222. - Penalties.

A first violation of the provisions of this article shall result in the issuance of a warning by the County Attorney's office. A second violation within a period of 12 months shall be punishable by a fine of \$250.00. If a third violation occurs within 12 months, the violator shall be prohibited from lobbying for six months. If a fourth violation occurs within 12 months, the violator shall be prohibited from lobbying for one year. The County Attorney's office shall notify all affected personnel should a lobbyist be suspended under this section. If a lobbyist lobbies any affected personnel while under suspension, the County Attorney's office shall impose a fine of \$500.00. The validity of any action or determination of the Commission, Board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 07-8, § 6, 3-23-2007; Ord. No. 16-1, § 5, 1-21-2016)

Sec. 2-223. - Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinction, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 07-8, § 7, 3-23-2007)

Secs. 2-224—2-236. - Reserved.

HILLSBOROUGH COUNTY (CITY OF TAMPA)

DIVISION 5. - LOBBYING AND POST-EMPLOYMENT RESTRICTIONS

Sec. 2-580. - Lobbying.

- (a) *Registration of lobbyists* . All persons who are lobbyists pursuant to section 2-502 must register prior to lobbying using the registration process maintained by the city ethics officer. Lobbying prior to registration is prohibited. Thereafter, all lobbyists shall register and re-register annually, as applicable, prior to January 1 of each year or as soon thereafter when known that a person will be engaging in lobbying activities. Each lobbyist is required to submit a separate registration for each principal represented. All lobbyists must update their registrations when they engage a new client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the city ethics officer and shall require the following information: the name, business address and phone number of the lobbyist, the name, business address and phone number of each principal represented, the general and specific areas of interest, and the manner and extent of any direct business association or partnership with any current member of city council or other affected personnel. Each lobbyist shall sign the registration form, indicating that the lobbyist has read the lobbying provisions of the City of Tampa Ethics Code and will abide by its provisions. The registration form shall be submitted in paper or electronic form pursuant to city policies and procedures to the city ethics officer. A lobbyist shall promptly send written notice to the city ethics officer canceling the registration for a principal upon termination of the lobbyist's representation of that principal. The lobbyist is responsible for ensuring the information contained in the registration is current and up to date.

Registered lobbyists shall be prohibited from lobbying any member of city council, the mayor, or other affected personnel regarding official city business via text message on that member of city council's, the mayor's, or other affected personnel's private cell phone or other private media, such as private emails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the member of city council's, the mayor's, or other affected personnel's city email address.

- (b) *Annual expenditure reporting*. A lobbyist shall annually on or before January 31 of each year submit to the city ethics officer's office a signed statement, executed under oath, listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization of the amount expended for each city official by each registered lobbyist. It shall be the responsibility of the lobbyist to obtain this form from the city ethics officer's office. Expenditure reporting forms shall be made available in paper or electronic form pursuant to city policies and procedures. The city ethics officer shall maintain such filings available and open for public inspection.

The city ethics officer shall notify any lobbyist who fails to timely file an expenditure report on or before February 28 of any year. In addition to any other penalties which may be imposed, a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. The city ethics officer shall notify the ethics commission of the failure of a lobbyist to file a report and/or pay the assessed fines after notification. A lobbyist may appeal a fine and may request a hearing before the ethics commission. A request for a hearing on the fine must be filed with the ethics commission within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.

In addition to any other penalty provided for herein, a lobbyist shall not be permitted to engage in any lobbying activity until the required report is filed. Where a fine of fifty dollars (\$50.00) per day has already been assessed, the ethics commission shall not impose another fine.

- (c) *Exceptions*. The following persons and activities shall be exempted from the requirement of lobbying registration and annual reporting:
- (1) Appointed officers or employees of the City of Tampa discussing matters relevant to their official duties;

- (2) Employees or representatives of federal, state, county, municipal or independent authority discussing the business of their government or authority;
 - (3) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;
 - (4) Law enforcement personnel conducting an active investigation;
 - (5) Persons or representatives of organizations contacted by city official when such contact is initiated by the city official;
 - (6) A person who appears under compulsion or subpoena by the city council, board or staff member of a board;
 - (7) Any person in contractual privity with the city who appears only in his or her official contractual capacity to discuss issues related to their services under contract.
 - (8) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to file a lobbying disclosure form.
- (d) *Record of meetings; meeting logs* . Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a member of the city council or the mayor shall sign meeting logs maintained and available in the office of reception of the city council or the mayor. Meeting logs shall be available in designated city departments for meetings with other affected personnel. Meeting logs shall be made available in paper or electronic form pursuant to city policies and procedures. Each person shall provide his or her name, whether the person is attending the meeting as a part of his or her employment or otherwise for compensation, the name of each principal, if any, represented in the course of the particular meeting, and the subject matter of the meeting. Upon submitting the information in the meeting log, the member of city council and his or her aide, the mayor and his or her aide, or the affected personnel, and the city ethics officer will receive concurrent notification. All meeting logs shall be maintained by the city for a period of five (5) fiscal years, and in no event for a period of time less than provided under state law.

The following shall not be required to sign the meeting logs:

- (1) City of Tampa employees, and employees of other Hillsborough County agencies;
 - (2) Law enforcement officers;
 - (3) Relatives, unless such meeting constitutes lobbying as defined in section 2-502, City of Tampa Code.
- (e) *Enforcement* . The enforcement of expenditure reporting shall be as provided in section 2-580(b). If the city ethics officer is informed of any person who has failed to comply with the requirements of any other provisions of this section, the city ethics officer shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the city ethics officer determines that a violation may have occurred based on the results of the investigation, the ethics officer shall assess the penalty as provided in section 2-580(f). Any appeal of the assessment shall go to the ethics commission for final resolution.
- (f) *Violations/penalties* . Violations of expenditure reporting shall be punishable as provided in section 2-580(b). The following shall apply to all other violations of this section. A first violation of the provisions of this section shall result in the issuance of a warning by the city ethics officer. A second violation within a period of twelve (12) months shall be punishable by a fine of two hundred fifty dollars (\$250.00). If a third violation occurs within twelve (12) months, the violator shall be prohibited from lobbying for six (6) months. If a fourth violation occurs within twelve (12) months, the violator shall be prohibited from lobbying for one (1) year. The city ethics officer shall notify all affected personnel should a lobbyist be suspended under this subsection. If a lobbyist lobbies any affected personnel while under suspension, the city ethics officer shall impose a fine of five hundred dollars

(\$500.00). The validity of any action or determination of the city council or city employees, board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

(Ord. No. 97-153, sec. 1, 7-17-97; Ord. No. 97-176, sec. 1, 8-28-97; Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 4, 4-29-04; Ord. No. 2016-161, § 3, 11-3-2016)

LAKE COUNTY

ARTICLE IV. - BOARDS, COMMISSIONS, AUTHORITIES, ETC.^[4]

Footnotes:

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Cross reference— Board of building examiners, § 6-46 et seq.; emergency medical services council, § 11-16; law library board of trustees, § 12-17; public library board, § 12-37; tourist development council, § 13-48; authority of Oklawaha Basin Recreation and Water Conservation and Supply Authority to protect water supplies, § 21-1; Northwest Lake County Hospital District Board of Trustees, App. A, § 11-77 et seq.; South Lake County Hospital District Board of Trustees, App. A, § 11-102 et seq.

DIVISION 1. - LOBBYIST REGISTRATION

Sec. 2-61. - Title and purpose.

This division shall be known as the Lake County Lobbyist Registration Ordinance. The purpose of this division is to ensure that a permanent record is kept of any contact by a lobbyist and a County Commissioner, a Department Director, a Division Director, any employee in the County Attorney's Office, or any Employee in the County Manager's Office regarding matters that may come before the Board of County Commissioners for vote or upon matters that may require administrative action by Lake County.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-62. - Definitions.

The following words, terms and phrases, when used in this division, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.
- (2) *Lobbying* means any communication either directly or indirectly, in person, or by any other means, with any county commissioners, department director, division manager, employee in the county attorney's office, or employee in the county manager's office which seeks to influence the actions of any county commissioner, advisory board member, or county employee.
- (3) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (4) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity, or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.
- (5) *Compensation* means any payment received or to be received by a lobbyist for the performance of lobbyist activities. The compensation may be a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

(Ord. No. 2007-48, § 2, 10-2-07; Ord. No. 2012-1, § 2, 1-10-12)

Sec. 2-63. - Lobbyist registration.

All lobbyists shall register by signing, at each time of lobbying, on lobbyist logs maintained and available in each county office. The lobbyist or other person shall provide his or her name and business address; the name and business address of each principal represented in the course of the particular contact; the topic of the lobbying contact; and the name of each person contacted. Each county office shall submit a copy of its lobbyist log to the county attorney's office no later than the fifth of each month. In the event that a lobbyist engages in lobbying which is initiated outside of county offices, including contact initiated by email, telephone, or written means, the lobbyist shall provide the information required above to the county attorney's office within seven (7) calendar days of such lobbying.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-64. - Exceptions.

The following persons shall not be required to register as lobbyists:

- (1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.
- (2) A person who appears at the specific request or under compulsion of the commission, board or staff member.
- (3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.
- (4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the county commission, and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.
- (5) Any person in contractual privity with the county who appears only in his or her official capacity.
- (6) Any person who lobbies only in his or her individual capacity for the purpose of self-representation.
- (7) Law enforcement personnel conducting an investigation.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-65. - Enforcement.

If a county code enforcement officer is informed of any person engaged in lobbying activities who has failed to comply with the requirements of this division, he or she shall conduct an investigation as deemed necessary under the circumstances. In the event the county code enforcement officer determines that a violation has occurred based on the results of the investigation, the following enforcement procedures shall apply:

- (1) A notice of violation shall be transmitted to the person indicating the nature of the violation and the penalty imposed. The lobbyist shall have up to thirty (30) day after the date of the notice to seek appeal of the penalty. In the event the lobbyist fails to submit an appeal in writing to the code enforcement officer within thirty (30) days of the date of such notice, the violation shall be deemed final, and the penalty imposed shall be effective immediately. If the lobbyist contests the violation, the matter shall be referred to the Lake County Code Enforcement Special Master for hearing.

- (2) If a county code enforcement officer is informed that a person who has been prohibited from lobbying because of a violation of this division is engaged in lobbying, the county code enforcement officer shall contact the State Attorney's Office and refer the matter for prosecution.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-66. - Penalties.

Violations of this division shall be punishable as follows:

- (1) Failing to properly provide lobbying contact information as required by this division for the first violation shall result in the issuance of a warning.
- (2) Failing to properly provide lobbying contact information as required by this division for each occasion after a warning has been issued shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Any person who violates the provisions of this division more than once during a twelve-month period shall be prohibited from lobbying as follows:
 - a. A second violation during a twelve-month period shall result in a prohibition of one (1) year;
 - b. A third violation within a twelve-month period shall result in a prohibition of two (2) years.
- (4) Any person who violates the provisions of this division while suspended from lobbying by this section shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the Lake County Jail not to exceed sixty (60) days or both by such fine and imprisonment.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-67. - Validity of action.

The validity of any action or determination of the board of county commissioners or staff shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2007-48, § 2, 10-2-07)

Secs. 2-68—2-80. - Reserved.

LEE COUNTY

ARTICLE VI. - LOBBYISTS^[6]

Footnotes:

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Editor's note— Ord. No. 03-14, § 1, adopted June 24, 2003, repealed the former Art. VI, §§ 22-71—22-78, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 89-40, §§ 2—9, adopted Sept. 27, 1989; Ord. No. 90-07, § 3, adopted Feb. 21, 1990.

Sec. 22-71. - Definitions.

- (a) *Lobbying* means communications outside of a duly noticed public meeting or hearing on the record, whether written or oral by a lobbyist, with any member or members of the board of county commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the board of county commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.
- (b) *Lobbyist* means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this article.
- (c) *Paid lobbyist* means a person, firm, corporation or other legal entity who is employed and receives payment, or who contracts for economic consideration in any form for the purpose of lobbying, or a person who is principally employed for, or whose substantial duties pertain to governmental affairs communications for another person or governmental entity to lobby on behalf of that other person or governmental entity and engages in the activity of lobbying as defined in this article.
- (d) *Immediate family* shall mean the lineal descendants, antecedent and the collateral kin of both the individual involved and the spouse of any such person.
- (e) *Principal* means the person, firm, corporation, or other legal entity which has arranged for a lobbyist to engage in lobbying.
- (f) *Employee* means:
 - (1) County manager, deputy county manager, assistant county managers, and public works director;
 - (2) County attorney, deputy county attorney, chief assistant county attorneys, and assistant county attorneys;
 - (3) Executive director of the port authority;
 - (4) Department directors or interim department directors, department deputy or interim deputy director, division directors or interim division directors, division deputy directors, or interim division deputy directors, to also include the manager of public resources, veteran services, risk program, and equal opportunity office;
 - (5) All employees within the purchasing division and contracts office with the exception of the secretarial staff.
- (g) *Decision-making body* means any body established by the board of county commissioners which is subject to its jurisdiction.

(Ord. No. 03-14, § 2, 6-24-2003)

Sec. 22-72. - Record-keeping responsibilities.

County commissioners and employees as specified in subsection 22-71(e), who make regulatory decisions or recommendations to the board of county commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County commissioners nor county employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.

County commissioners shall deliver their logs to the clerk of court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in subsection 22-71(e) must deliver their logs to the clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.

Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section.

All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

(Ord. No. 03-14, § 3, 6-24-2003)

Sec. 22-73. - Annual registration of paid lobbyists.

All paid lobbyists as defined herein, shall register with the clerk of the board of county commissioners on an annual basis. Every unregistered, paid lobbyist shall register prior to the first occasion such unregistered, paid lobbyist engages in the activity of lobbying as defined in this article. Every person, firm or other entity required to register as a paid lobbyist shall register on forms prepared by the clerk's office. The paid lobbyist shall state under oath their name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest and the nature and extent of any direct business association or partnership with any current member of the board, a county employee, or person sitting on a decision-making body that is created by Florida Law, and under the jurisdiction of the board of county commissioners. Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this article.

(Ord. No. 03-14, § 4, 6-24-2003)

Sec. 22-74. - Exemptions.

The following persons are not lobbyists as defined in subsection 22-71(b)(c), and shall not be required to register as paid lobbyists or keep records as paid lobbyists:

- (1) Lee County employees discussing government business;
- (2) Law enforcement personnel conducting an investigation;
- (3) Persons when they communicate with board members or employees in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement;
- (4) Persons when they appear at public meetings or hearings and communicate on the record;

- (5) Consultants under contract with Lee County who communicate with commissioners or employees regarding issues related to the scope of services in their contract;
- (6) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are a government employee principally employed for, or whose substantial duties pertain to governmental affairs lobbying;
- (7) Persons who make purely informational requests to a board member, advisory board member or employee with no intent to affect a decision or recommendation on any item; and
- (8) Persons or representatives of organizations contacted by a board member, advisory board member or employee when the contact is initiated by that board member, advisory board member or employee in their official capacity in the normal course of their duties to obtain factual information.

(Ord. No. 03-14, § 5, 6-24-2003)

Sec. 22-75. - Validity of action.

The validity of any decision, action or determination made by the commission, advisory board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 03-14, § 6, 6-24-2003)

Sec. 22-76. - Quarterly paid lobbyist statement.

Each quarter, all paid lobbyists shall submit to the clerk's office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the board of county commissioners, a county employee or any other person on a decision-making body under the jurisdiction of the board of county commissioners. The statement shall be rendered on forms as provided by the clerk's office.

(Ord. No. 03-14, § 7, 6-24-2003)

Sec. 22-77. - Reserved.

Sec. 22-78. - Maintaining registrations and lobbying statements.

The clerk of the board of county commissioners shall accept and maintain the paid lobbyist registrations, quarterly paid lobbying statements and lobbying logs, which shall be open for public inspection.

(Ord. No. 03-14, § 8, 6-24-2003)

Sec. 22-79. - Prohibited conduct of county officials and employees.

No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in subsection 22-71(e), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

(Ord. No. 03-14, § 9, 6-24-2003)

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*T = Telephone Call Distribution: Original to Clerk of Courts

V = Personal Visit Copy to Filer Copy to Office File

[EXHIBIT A]

(Ord. No. 03-14, Exh. A, 6-24-2003)

Secs. 22-81—22-90. - Reserved.

LEON COUNTY

ARTICLE XII. - LOBBYIST REGULATIONS

Sec. 2-700. - Definitions.

- (a) *Lobbying* shall mean communications, whether written or oral, by a lobbyist with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.
- (b) *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.
- (c) *Lobbying firm* means a 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.
- (d) *Principal* shall mean a person, firm, corporation, or other legal entity which has employed or retained a lobbyist.
- (e) *Employee* shall mean the county administrator, county attorney, executive director of tourist development, commission staff, and all persons employed by the board of county commissioners.
- (f) *Decision-making body* shall mean any body established by the board of county commissioners.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-701. - Registration of lobbyists.

All lobbyists, as defined herein, shall register with the clerk of the Board of County Commissioners on an annual basis, including payment of a non-refundable \$25.00 fee for each principal so represented, prior to engaging in any lobbying. Registration shall be updated annually to add or withdraw principals, and at least each time a lobbyist commences lobbying on behalf of any new principle. Each lobbyist shall be required to register on forms prepared by the clerk of the board. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the Board of County Commissioners, county employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration and the payment of the lobbyist fees shall be for each of the persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-702. - Exemptions.

The following persons are not lobbyists as defined in section 2-700(b), and shall not be required to register as lobbyists or to keep records as lobbyists:

- (1) Leon County employees discussing government business;

- (2) Law enforcement personnel conducting an investigation;
- (3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement;
- (4) Consultants under contract with Leon County who communicate with commissioners or county employees regarding issues related to the scope of services in their contract;
- (5) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying;
- (6) Persons who make purely factual informational requests to a member of the board of county commissioners, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and
- (7) Persons or representatives of organizations contacted by a member of the board of county commissioners, member of a decision-making board, or employee when the contact is initiated by that board member, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-703. - Validity of action.

The validity of any decision, action, or determination made by the commission, decision-making board or employee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-704. - Quarterly compensation report.

Each lobbying firm shall file a compensation report, signed under oath, with the clerk of the board of county commissioners for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period").

- (1) Each lobbying firm shall file a quarterly compensation report with the clerk of the board for each calendar quarter during any portion of which the lobbyist or 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: \$0.00; \$1.00 to \$49,999.00; \$50,000.00 to \$99,999.00; \$100,000.00 to \$249,999.00; \$250,000.00 to \$499,999.00; \$500,000.00 to \$999,999.00; \$1 million or more.
- (2) For each principal represented by one or more of the firm's lobbyists, the quarterly 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 from such principal, reported in one of the following categories: \$0.00; \$1.00 to \$9,999.00; \$10,000.00 to \$19,999.00; \$20,000.00 to \$29,999.00; \$30,000.00 to \$39,999.00;

\$40,000.00 to \$49,999.00; or \$50,000.00 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 \$1,000.00.

- (3) The quarterly compensation reports shall be filed no later than 30 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 quarterly compensation reports shall be filed in the form provided by the clerk of the Board of County Commissioners, and the quarterly reporting shall commence on January 1 of each year.
- (4) Failure to file a required quarterly compensation report with the clerk of the board shall result in the imposition of a penalty equal to twice the annual lobbyist registration fee.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-705. - Maintaining Registrations and Compensation Reports.

The clerk of the board of county commissioners shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-706. - Prohibited conduct of county officials and employees.

No member of the board of county commissioners or employee of Leon County shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the board of county commissioners or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-707. - Prohibited communication.

- (a) Any form of communication, except for written correspondence, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:
 - (1) Any person or person's representative seeking an award from such competitive solicitation; and
 - (2) Any county commissioner or commissioner's staff, or any county employee authorized to act on behalf of the commission to award a particular contract.
- (b) For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
- (c) The prohibited communication shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation.
- (d) The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence with any employee, county

commissioner, or decision-making board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

- (e) The provisions of this section shall not apply to any purchases made in an amount less than the competitive bid threshold of \$20,000.00, as set forth in Leon County Purchasing Policy No. 96-1, as amended.
- (f) The provisions of this section shall terminate at the time the board, or a county department authorized to act on behalf of the board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-708. - Penalties.

The penalties for an intentional violation of this article shall be those specified in F.S. § 125.69(1), as amended, and shall be deemed supplemental to the penalties set forth in section 1-9 of this Code.

(Ord. No. 07-27, § 1, 12-11-07)

LEON COUNTY (CITY OF TALLAHASSEE)

ARTICLE VIII. - LOBBYIST REGULATIONS

Sec. 2-338. - Definitions.

- (a) *Lobbying* shall mean communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the city commission, or any member or members of any decision-making body under the jurisdiction of the city commission, or any city employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the city commission, or any decision-making body under the jurisdiction of the city commission, or which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body.
- (b) *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.
- (c) *Lobbying firm* means a 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.
- (d) *Principal* shall mean a person, firm, corporation, or other legal entity which has employed or retained a lobbyist.
- (e) *Employee* shall mean all persons employed by the City of Tallahassee.
- (f) *Decision-making body* shall mean any body established by the city commission.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-339. - Registration of lobbyists.

All lobbyists, as defined herein, shall register with the city treasurer-clerk on an annual basis, including payment of a \$25.00 fee for each principal so represented, prior to engaging in any lobbying. Lobbyists shall register by April 1, 2011, for the period April 1, 2011, to December 31, 2011. Thereafter, the annual period shall be the calendar year. Registration shall be updated to add or withdraw principals before a lobbyist commences lobbying on behalf of any new principal. Each lobbyist shall be required to register on forms prepared by the city treasurer-clerk. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the city commission, city employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-340. - Exemptions.

The following persons are not lobbyists as herein defined and shall not be required to register as lobbyists or to keep records as lobbyists:

- (1) City employees discussing government business;

- (2) Law enforcement personnel conducting an investigation;
- (3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement;
- (4) Consultants under contract with the city who communicate with city commissioners or city employees regarding issues related to the scope of services in their contract;
- (5) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying;
- (6) Persons who make purely factual informational requests to a member of the city commission, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and
- (7) Persons or representatives of organizations contacted by a city commissioner, member of a decision-making board, or employee when the contact is initiated by that city commissioner, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-341. - Validity of action.

The validity of any decision, action, or determination made by the city commission, decision-making board or employee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-342. - Quarterly compensation report.

Each lobbying firm shall file a compensation report, signed under oath, with the city treasurer-clerk for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period").

- (1) Each lobbying firm shall file a quarterly compensation report with the city treasurer-clerk for each calendar quarter during any portion of which the lobbyist or 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: \$0.00; \$1.00 to \$49,999.00; \$50,000.00 to \$99,999.00; \$100,000.00 to \$249,999.00; \$250,000.00 to \$499,999.00; \$500,000.00 to \$999,999.00; \$1,000,000.00 or more.
- (2) For each principal represented by one or more of the firm's lobbyists, the quarterly 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 from such principal, reported in one of the following categories: \$0.00; \$1.00 to \$9,999.00; \$10,000.00 to \$19,999.00; \$20,000.00 to \$29,999.00; \$30,000.00 to \$39,999.00;

\$40,000.00 to \$49,999.00; or \$50,000.00 or more. If the category "\$50,000.00 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.00.

- (3) The quarterly compensation reports shall be filed no later than 30 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 quarterly compensation reports shall be filed in the form provided by the city treasurer-clerk.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-343. - Maintaining registrations and compensation reports.

The city treasurer-clerk shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-344. - Prohibited conduct of city officials and employees.

- (a) No member of the city commission or employee of the city shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the city commission or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.
- (b) No member of the city commission or city appointed official shall appear before the city commission for compensation for two years from the date he/she leaves the city commission or city employment.

(Ord. No. 11-O-03AA, § 1, 2-23-2011; Ord. No. 14-O-44AA, § 2, 9-22-2014)

Sec. 2-345. - Compliance; penalties.

- (a) The city's ethics officer shall monitor lobbyists for compliance with this section, and shall develop procedures for suspension of lobbyists until compliance is attained. The ethics officer will alert the city commission to any instances of non-compliance, and will inform the city commission of any need to institute progressive penalties for repeat offenders.
- (b) The penalties for an intentional violation of this article shall be those specified in section 1-7 of this Code.

(Ord. No. 11-O-03AA, § 1, 2-23-2011; Ord. No. 14-O-44AA, § 2, 9-22-2014)

Editor's note— Ord. No. 14-O-44A, § 2, adopted September 22, 2014, changed the title of section 2-345 from "Penalties" to "Compliance; penalties." The historical notation has been preserved for reference purposes.

Secs. 2-346—2-356. - Reserved.

MIAMI-DADE COUNTY

Sec. 2-11.1. - Conflict of Interest and Code of Ethics Ordinance.

- (a) *Designation.* This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-27, § 1, 3-20-73)
- (b) *Definitions.* For the purposes of this section the following definitions shall be effective:
- (1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.
 - (2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the Board of County Commissioners.
 - (3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board and such other boards and agencies of the County as perform quasi-judicial functions.
 - (4) The term "advisory personnel" shall refer to the members of those County advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners.
 - (5) The term "departmental personnel" shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys.
 - (6) The term "employees" shall refer to all other personnel employed by the County.
 - (7) The term "compensation" shall refer to any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.
 - (8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.
 - (9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.
 - (10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.
 - (11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.
 - (12) The term "domestic partner" shall mean a person who is a party to a valid domestic partnership relationship as described in section 11A-72(b)(1),(2), (3), (4) and (6) of the Code.
 - (13) The term "contract staff" shall mean any employee and/or principal of an independent contractor, subcontractor (of any tier), consultant or sub-consultant (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections 2-11.1(g), (h), (j), (l), (m), (n) and (o) of the Conflict of Interest and Code of Ethics Ordinance. Prior to determining whether to designate a person as contract staff in a RFP, RFQ,

bid or contract, the Mayor or his or her designee shall seek a recommendation from the Executive Director of the Ethics Commission.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-23, § 1, 3-20-73; Ord. No. 86-24, § 3, 4-1-86; Ord. No. 10-48, § 1, 7-8-10)

(c) *Prohibition on transacting business within the County.*

- (1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.
- (2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.
- (3) Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.
- (4) Any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County

Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)(6), grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the board. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

- (5) Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) and application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph

shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.

- (6) Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners, after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:
 - (1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or
 - (2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or
 - (3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or
 - (4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and
 - (5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-24, § 1, 3-20-73; Ord. No. 73-45, § 1, 5-1-73; Ord. No. 75-91, § 1, 11-4-75; Ord. No. 75-119, § 1, 12-16-75; Ord. No. 79-85, § 1, 10-16-79; Ord. No. 80-33, § 1, 5-6-80; Ord. No. 85-84, § 1, 10-1-85; Ord. No. 85-98, § 1, 11-5-85; Ord. No. 87-58, § 1, 9-1-87; Ord. No. 88-102, § 1, 10-18-88; Ord. No. 91-113, § 1, 10-1-91; Ord. No. 00-1, § 1, 1-13-00; Ord. No. 00-151, § 1, 11-28-00)

- (d) *Further prohibition on transacting business with the County.* No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall: (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the Commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote.

The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-45, § 2, 5-1-73; Ord. No. 86-11, § 1, 2-18-86; Ord. No. 86-24, § 1, 4-1-86; Ord. No. 16-47, 5-17-16)

(e) *Gifts.*

- (1) *Definition.* The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.
- (2) *Exceptions.* The provisions of subsection (e)(1) shall not apply to:
 - a. Political contributions specifically authorized by State law;
 - b. Gifts from relatives or members of one's household;
 - c. Awards for professional or civic achievement;
 - d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
 - e. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;
 - f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;
 - g. Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.
- (3) *Prohibitions.* A person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in the term defined in subsection (b)(1) through (6) or for any person included in the term defined in subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:
 - a. An official public action taken, or to be taken, or which could be taken;
 - b. A legal duty performed or to be performed, or which could be performed; or
 - c. A legal duty violated or to be violated, or which could be violated by any person included in the term defined in subsection (b)(1).
- (4) *Disclosure.* Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

(Ord. No. 78-82, § 1, 11-21-72; Ord. No. 86-25, § 1, 4-1-86; Ord. No. 87-70, § 1, 10-20-87; Ord. No. 91-62, § 1, 6-4-91; Ord. No. 99-124, § 1, 2-11-1; Ord. No. 99-145, § 1, 10-19-99; Ord. No. 10-48, § 1, 7-8-10)

- (f) *Compulsory disclosure by employees of firms doing business with the County.* Should any person included in the terms defined in subsections (b)(1) through (6) be employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (g) *Exploitation of official position prohibited.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (h) *Prohibition on use of confidential information.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position, nor shall he or she in fact ever disclose confidential information garnered or gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (i) *Financial disclosure.*

- (1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:
- a. A copy of that person's or firm's current federal income tax return; or
 - b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
 - c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

- (2) County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning Inspectors. References

herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.

- (3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that candidate files qualifying papers.
- (4) Consultants. All persons or firms providing professional services as defined by Section 2-10.4(1)(a) and (b) of the Code of Miami-Dade County, to Miami-Dade County or any municipalities, their agencies, or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety (90) days of the effective date hereof. All persons or firms subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Miami-Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty (30) days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.
- (5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.
- (6) Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.
- (7) Construction. The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

(Ord. No. 77-13, § 1, 3-1-77; Ord. No. 83-18, § 1, 4-19-83; Ord. No. 84-39, § 1, 5-15-84)

- (j) *Conflicting employment prohibited.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 2, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (k) *Prohibition on outside employment.*

- (1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by Section 2-11 of this Code of Ordinances.
- (2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the Clerk of their respective municipalities. Said reports shall be available at a reasonable time and

place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 3, 3-1-77; Ord. No. 77-79, § 1, 1-11-77; Ord. No. 77-87, § 1, 12-6-77; Ord. No. 83-18, § 2, 4-19-83; Ord. No. 84-39, § 2, 5-15-84; Ord. No. 10-48, § 1, 7-8-10)

- (l) *Prohibited investments.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall have personal investments in any enterprise, either himself, herself, or through a member of his or her immediately family, which will create a substantial conflict between his or her private interests and the public interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (m) *Certain appearances and payment prohibited.*

- (1) No person included in the terms defined in subsections (b)(1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.
- (2) No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question. However, this section shall not prohibit an architect serving without compensation on the Miami-Dade County Board of Energy Regulation or on any architectural Board, whose sole function is to pass on the aesthetics of plans submitted, from submitting plans on behalf of a client so long as such member makes known his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-25, § 1, 3-20-73; Ord. No. 73-51, § 1, 5-15-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 79-39, § 1, 6-19-79; Ord. No. 10-48, § 1, 7-8-10)

- (n) *Actions prohibited when financial interests involved.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to

promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-50, § 1, 5-15-73; Ord. No. 75-76, § 1, 9-17-75; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (o) *Acquiring financial interests.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the County or County agency of which he or she is an official, officer, employee or contract staff.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (p) *Recommending professional services.* No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77)

- (q) *Continuing application after county service.*

- (1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.
- (2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.
- (3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.

- (4) Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.
- (5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection (u)(1) or Subsection (u)(2).

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 99-2, § 1, 1-21-99)

- (r) *Ethics Commission to render opinions on request.* Whenever any person included in the terms defined in subsection (b)(1) through (6), (b)(9) and (b)(13) is in doubt as to the proper interpretation or application of this Conflict of Interest and Code of Ethics Ordinance as to himself or herself, or whenever any person who renders services to the County is in doubt as to the applicability of the said ordinance as to himself or herself, he or she may submit to the Ethics Commission a full written statement of the facts and questions he or she has. The Ethics Commission shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his or her name. Any person included in the term defined in subsection (b)(1) (i.e., Mayor or Commissioner) who is employed or retained by an entity that receives County funds or is under contract with the County shall, within sixty (60) days after (a) being retained or employed by the entity, or (b) becoming aware of the entity's receipt of County funds or of the entity's contract with the County, whichever is later, seek an opinion from the Ethics Commission or the Executive Director of the Ethics Commission regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance. Any person included in the term defined in subsection (b)(1) who is employed or retained by an entity that receives County funds or is under contract with the County and has received an opinion from the Ethics Commission or the Executive Director of the Ethics Commission prior to the effective date of this ordinance regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to himself or herself shall not be required to seek another opinion from the Ethics Commission.

(Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 12-22, § 1, 4-3-12)

(s) *Lobbying.*

- (1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.
 - (b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.
- (2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:
 - (a) Register on forms prepared by the Clerk;
 - (b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars (\$490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

- (c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.
 - (d) Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars (\$100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.
- (3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
 - (b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.
- (4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

- (5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.
- (6) (a) On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars (\$50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.
- (c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.
- (d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.
- (7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.
- (8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.
- (9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such

person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

- (10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.
- (11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

(Ord. No. 86-24, § 1, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 10-03, § 1, 1-21-10; Ord. No. 10-04, § 1, 1-21-10; Ord. No. 10-34, § 1, 6-3-10; Ord. No. 10-56, § 1, 9-21-10; Ord. No. 12-10, § 1, 3-6-12; Ord. No. 12-63, § 1, 9-6-12)

(t) *Cone of Silence.*

1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.
 - (a) "Cone of Silence" is hereby defined to mean a prohibition on:
 - (i) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;
 - (ii) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff;
 - (iii) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

- (iv) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor;
- (v) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and
- (vi) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

- (i) Competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;
- (ii) Communications with the County Attorney and his or her staff;
- (iii) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs;
- (iv) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;
- (v) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation;
- (vi) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;
- (vii) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
- (viii) Communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and
- (ix) Consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

- (b) Procedure.
 - (i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.
 - (ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars (\$100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over \$25,000 up to \$100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of \$25,000 or less.
 - (iii) While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.
 - (c) Exceptions.
 - (i) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees duly noticed as a public meeting, recorded contract negotiations and contract negotiation strategy sessions in compliance with the exemption in Florida Statutes Section 286.0113, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communication in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.
 - (ii) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.
2. Audit and IPSIG contracts.
- (a) "Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider,

bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

- (b) Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.
 - (c) Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in recorded contract negotiations in compliance with the exemption in Florida Statutes Section 286.0113; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from, subject to the provisions of the applicable RFP, RFQ or bid documents. Any recordings made pursuant to this section shall be made available, as a public record, upon the conclusion of the selection committee or negotiation meetings notwithstanding the elapsed time from bid or proposal opening. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.
 - (d) Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.
3. Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.
 4. The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.
 5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall

report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.

(Ord. No. 98-106, § 1, 7-21-98; Ord. No. 99-1, § 1, 1-21-99; Ord. No. 00-149, § 1, 11-28-00; Ord. No. 01-149, § 1, 9-25-01; Ord. No. 01-150, § 1, 9-25-01; Ord. No. 02-3, § 1, 1-29-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 08-111, § 1, 10-7-08)

- (u) *Prohibition on certain business transactions.* No person who is serving as an elected county official or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager or department director shall enter into a business transaction with any person or entity that has a contract with Miami-Dade County or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arm's length transaction made in the ordinary course of business. The provisions of this subsection (u) shall not apply to a business transaction between an elected county official, a member of the staff of an elected county official, the county manager, a senior assistant to the county manager or a department director and a not-for-profit entity. As used herein, a "shareholder" shall mean any person owning ten (10) percent or more of the outstanding capital stock of any corporation. As used herein, "elected county official" shall mean the mayor, county commissioners and community council members. As used herein, "business transaction" shall mean any contract wherein persons either sell, buy, deal, exchange, rent, lend or barter real, personal or intangible property, money or any other thing of value, or render services for value.
- (v) *Voting Conflicts.* Members of Advisory and Quasi-Judicial Boards. No person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.
- (w) *Prohibition on acceptance of travel expenses from county vendors.* Notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.
- (x) *Prohibition on county employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract;

or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.

- (y) *Powers and jurisdiction of Ethics Commission.* The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, the Mayor, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, contract staff, advisory personnel, immediate family, lobbyists as defined in subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors, consultants and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

(Ord. No. 10-48, § 1, 7-8-10)

- (z) *Prohibition on participation in settlement negotiations.* Neither the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.
- (aa) *County Attorney's Office participation in contract adjustments.* County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars (\$1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.
- (bb) *Affidavit and Ethics Course.* Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

(Ord. No. 12-11, § 1, 3-6-12; Ord. No. 13-50, § 1, 6-4-13)

- (cc) *Penalty.*

- (1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of five hundred dollars (\$500.00) for the first such violation and one thousand dollars (\$1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars (\$1,000.00) for the first such violation and two thousand dollars (\$2,000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars (\$500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section. The Ethics Commission may also order the person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.
- (2) *Prosecution by State Attorney in State court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 86-24, § 2, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 98-106, § 1, 7-21-98; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-150, § 1, 11-2-99; Ord. No. 00-46, § 1, 4-11-00; 00-149, § 1, 11-28-00; Ord. No. 01-199, § 1, 12-4-01; Ord. No. 03-73, § 1, 4-8-03; Ord. No. 03-107, § 1, 5-6-03; Ord. No. 03-140, § 1, 6-3-03; Ord. No. 04-55, § 1, 3-16-04; Ord. No. 04-119, § 1, 6-8-04; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 05-71, § 1, 4-5-05; Ord. No. 06-148, § 1, 10-10-06; Ord. No. 10-11, § 1, 2-2-10; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 13-53, § 1, 6-4-13; Ord. No. 14-96, § 1, 10-7-14)

Editor's note— Ord. No. 72-82, § 1, amended this Code by repealing former § 2-11.1 relative to County officers and employees transacting business with the County and enacted in lieu thereof a new § 2-11.1 as herein set out. Former § 2-11.1 was derived from Ord. No. 59-44, §§ 2—5, adopted Dec. 1, 1959.

Annotations— AO 7-1; CAO's 76-8, 76-32, 76-36, 76-39, 76-43, 76-46, 76-50, 76-55, 77-1, 77-9, 77-14, 77-16, 77-19, 77-26, 77-33, 77-37, 77-40, 77-41, 77-44, 77-52, 77-53, 77-56, 77-63, 77-68, 78-2, 78-10, 78-11, 78-12, 78-17, 78-25, 78-33, 78-44, 78-47, 78-53, 78-54, 79-6, 79-7, 79-12, 79-16, 79-19, 79-32, 79-37, 80-3, 80-4, 80-11, 80-21, 80-24, 80-25, 80-28, 80-29, 81-4, 81-13, 81-18, 81-22, 81-31, 81-38, 82-1, 82-10, 82-13, 82-19, 82-24, 82-25, 82-28, 82-29, 83-2, 83-6, 83-11, 83-22, 85-8.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-11.1.2. - Lobbying activities; approval.

- (a) No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the county unless this Board grants a specific waiver for a specific lobbying activity.

- (b) The failure of any county lobbyist to comply with the provisions of subsection (a) of this section shall result in either or both of the following:
- (1) That lobbyist's contract with the county being voidable by the county;
 - (2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county.

(Ord. No. 00-64, §§ 1, 2, 5-9-00)

MIAMI-DADE COUNTY (CITY OF AVENTURA)

ARTICLE VI. - LOBBYING ACTIVITIES^[7]

Footnotes:

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Editor's note— Ord. No. 2004-03, § 2, adopted Feb. 3, 2004, repealed §§ 2-371—2-374, 2-376 and 2-377 of art. VI. Section 3 of said ordinance enacted a new § 2-371 as set out herein. The former sections of art. VI pertained to definitions, registration required, registration information, annual statement of expenditures, registration forms and disclosure statements to be public records, and registration fee, respectively, and derived from Ord. No. 97-05, §§ 1—4, 6 and 7, adopted Feb. 4, 1997, and Ord. No. 99-05, § 1, adopted Apr. 6, 1999.

Cross reference— Quasi-judicial matters for planning and zoning, § 34-31 et seq.

State Law reference— Lobbyist registration and reporting, F.S. §§ 11.045 et seq., 112.3215 et seq.

Sec. 2-371. - Lobbyists.

The provisions of Section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "X," set forth below and incorporated herein, is hereby adopted and shall apply within the City, except that in lieu of the fee for annual lobbyist registration which is specified by Section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the City for registration of each lobbyist for the representation of each principal of the lobbyist shall be \$100.00 (per principal represented), and the fee payable to the City for annual lobbyist registration for each lobbyist shall be \$200.00. In addition, a lobbyist shall not be required to submit a statement of lobbying expenditures, as specified in Section 2-11.1(s)(6)(a) of the County Lobbying Ordinance, for any reporting period during which the lobbyist made no lobbying expenditures. Moreover, a principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity to express support or opposition to any item shall register with the Clerk, as required by this subsection, but shall not be required to pay any registration fees. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to City personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County Board or Committee" shall be deemed to be references to the City Commission or to the City's Boards as applicable. This Section 2-371 shall prevail over any conflicting provision of the City Code.

Exhibit X County Lobbying Ordinance

(s) *Lobbying.*

- (1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.
- (b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose

normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

- (2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:
 - (a) Register on forms prepared by the Clerk;
 - (b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be \$490.00. Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.
 - (c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.
- (3)
 - (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
 - (b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.
- (4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

- (5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.
- (6) (a) Commencing July 1, 1986, and on July 1 of each year thereafter, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of \$50.00 per day shall be assessed for reports filed after the due date. Where a fine of \$50.00 per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.
- (c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.
- (d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.
- (7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.
- (8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.
- (9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such

person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- 1st violation for a period of 90 days from the date of determination of violation;
- 2nd violation for a period of one year from the date of determination of violation;
- 3rd violation for a period of five years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

- (10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.
- (11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection(s). (Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 03-107, § 1, 5-6-03)

(Ord. No. 2004-03, § 3, 2-3-04; [Ord. No. 2015-10, § 2, 11-3-15](#))

Secs. 2-372—2-374. - Reserved.

Sec. 2-375. - Penalties.

- (a) Whenever a violation of this article exists, the City Commission may publicly reprimand, censure and/or prohibit such lobbyist from lobbying before the City for a period of up to but not to exceed two years.
- (b) The penalties provided in this section are cumulative in nature. Nothing contained in this article shall prevent the City from pursuing any other remedies available to the City under the City's Code and/or State law for the enforcement of its ordinances.

(Ord. No. 97-05, § 5, 2-4-97)

Secs. 2-376—2-390. - Reserved.

MIAMI-DADE COUNTY (CITY OF BAL HARBOUR)

ARTICLE VII. - LOBBYING

Sec. 2-301. - Lobbyists.

The provisions of section 2-11.1(s) "Lobbying" of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "A" attached hereto and incorporated herein, are hereby adopted and shall apply within Bal Harbour Village, except that in lieu of the fee for annual lobbyist registration which is specified by section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the Village for registration of each lobbyist for the representation of each principal of the lobbyist shall be \$100.00 (per principal represented), and the fee payable to Village for annual lobbyist registration for each lobbyist shall be \$200.00. In addition, a lobbyist shall not be required to submit a statement of lobbying expenditures, as specified in section 2-11.1(s)(6)(a) of the County Lobbying Ordinance, for any reporting period during which the lobbyist made no lobbying expenditures. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to Village personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County board or committee" shall be deemed to be references to the Village Council or to the Village's boards as applicable. Nothing in this section shall be construed to require an individual resident of the Village who is simply acting on his or her own behalf or on behalf of any group of such residents (without any compensation) to register as a lobbyist.

(Ord. No. 490, § 2, 1-20-04; Ord. No. 570, § 2, 10-15-2013)

Editor's note— Exhibit "A" is not set out herein, but is on file in the office of the Village Clerk.

Secs. 2-302—2-349. - Reserved.

MIAMI-DADE COUNTY (CITY OF CORAL GABLES)

ARTICLE V. - CONFLICT OF INTEREST AND CODE OF ETHICS^[6]

Footnotes:

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State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-243. - Lobbying.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any city commissioner; (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council; or (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person which has employed or retained the services of a lobbyist.

(b) *Registration.* All lobbyists shall, before engaging in lobbying activities, register annually with the city clerk. Every person required to so register shall:

- (1) Register on a form prepared by the city clerk;
- (2) Pay an annual registration fee of \$150.00; and
- (3) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the city.

Any change to any information originally filed shall require that he/she file an amendment to the registration forms, although no additional fee shall be required for such amendment. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. Separate annual registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number. No additional fee shall be required for each issue.

Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.

The registration fees required by this section shall be deposited by the city clerk for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public.

The city clerk shall waive the fee requirements of this section upon a finding of financial hardship, based upon the sworn statement of the applicant.

(c) *Exceptions to registration.* The following shall not be required to register under this section:

- (1) Any public official or city staff discussing matters relevant to their official duties;
- (2) Any person who only appears in his individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;
- (3) Any person requested to appear before the city commission, city board, committee, or any member thereof, or the city manager or city staff in a quasijudicial proceeding or any agent, attorney, officer or employee or such person;
- (4) Any person under contract with the city who communicates with any public official or city staff regarding issues related only to the performance of their services under contract; and
- (5) Any person who has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bona fide news media; a person who merely appears before, the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation.

(d) *Reporting requirements.*

- (1) On October 1 of each year, lobbyists subject to the registration requirements of this section shall submit to the city clerk a signed statement under oath as provided herein listing the full name and business address of the lobbying entity; name of each of the entity's lobbyists; and all expenditures for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures during the reporting period.
- (2) The city clerk shall keep a current list of registered lobbyists and the reports required under this section which shall be open to the public for inspection.

(e) *Investigation of violations and penalties.* The office of the city clerk shall submit a report to the city attorney and city commission as to those lobbyists who have failed to comply with the registration and/or the annual filing requirement of this section. The office of the city attorney shall investigate any person engaged in lobbying activities which is reported to be in violation of the registration or reporting requirements. A report of the city attorney's findings shall be provided to the city commission and to the alleged violator. If the city commission finds that a person is in violation of this section, that person may be reprimanded, suspended or prohibited from lobbying before the city commission, a city board, a city committee, or members thereof, city manager or city staff for a period not to exceed two years.

(Ord. No. 2006-11, § 2, 6-6-2006)

MIAMI-DADE COUNTY (CITY OF CUTLER BAY)

ARTICLE V. - LOBBYIST REGISTRATION

Sec. 2-236. - Lobbyists and principals.

- (a) All paid lobbyists, as may be defined by the Miami-Dade County Code, shall:
- (1) Register with the town clerk on the proscribed disclosure form as provided by the town clerk and pay annual fees of \$250.00 for each lobbyist prior to lobbying any town council member, employee, board or committee member;
 - (2) Disclose in writing all persons and/or entities the lobbyist is representing upon registering and update this list within ten days of being retained by a new principal or for a new project of an existing principal; and
 - (3) Disclose in writing all town government officials directly contacted by the lobbyist and any expenditures involved as defined by state law, before the public hearing.

The town clerk shall make available to the town council, prior to any public hearing, on the event or matter for which a registered lobbyist may appear, all disclosures required herein or as otherwise required by state or county law.

- (b) Any violation of the above shall render the issue being lobbied for or sought by the principal voidable. Violation of this section shall be punishable by a fine as provided in chapter 8 in addition to any other remedies allowed by law.

(Ord. No. 07-02, § 2(A), 7-17-2007)

Sec. 2-237. - Disclosure requirements.

The following provisions related to disclosures to be made by principals at public hearings are hereby adopted:

- (1) All persons or entities seeking any approval, contract, concession, license or any other relief that requires a public hearing before the town council are required to comply with the instant disclosure requirements; provided, however, that in cases in which the relief sought is related to a land use application, disclosure shall be required only by the applicant for such relief. Except to the extent such disclosure is prohibited by a confidentiality order from a court of competent jurisdiction, such persons or entities shall:
 - a. In all items requiring a public hearing, including land use matters, disclose in writing to the town clerk or verbally on the record at such public hearing, all moneys or compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to the person or entity or to a third party. Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future. The disclosure shall include the name of the person or entity offered the compensation, the specific compensation offered, what the person was requested to do or refrain from doing in exchange for said compensation, and whether and to whom the compensation was paid; and
 - b. In all items requiring a public hearing, including land use matters, disclose in writing to the town clerk or verbally on the record at such public hearing, all moneys or compensation, as defined above, sought or requested by a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was requested for or paid to the requester or a third party. The disclosure shall include the name of the person or entity seeking the compensation, the specific compensation sought,

what the person offered to do or refrain from doing in exchange for said compensation, and whether the compensation was actually paid and to whom.

- (2) Any violation of the above shall render the relief or item being sought by the principal voidable by the town council. Violation of this section shall also be punishable by a civil fine of \$250.00 per violation in addition to any other remedies allowed by law.

(Ord. No. 07-03, § 2(A), 7-17-2007)

Secs. 2-238—2-267. - Reserved.

MIAMI-DADE COUNTY (CITY OF GOLDEN BEACH)

ARTICLE IX. - LOBBYING

Sec. 2-309. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a Lobbyist or Principal paid or provided directly or indirectly to or for the benefit of any elected official or Employee of the Town for the purpose of lobbying.

Lobbyist: Any individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a Principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of any ordinance, resolution, action or decision of the Town Council, or any action, decision, recommendation of any Town Board or Committee, or any action, decision or recommendation of any Town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Council, or a Town Board or Committee. The term specifically includes the Principal as well as any Employee engaged in lobbying activities.

Person: Any individual, corporation, partnership or other legal entity or an agent or Employee thereof.

Principal: The Person that has employed or retained the services of a Lobbyist.

Other terms: Any other term used herein and not defined, shall have the meaning ascribed to it in the Miami-Dade County Conflict of Interest and Ethics Ordinance, as that may be amended from time to time (the "County Ordinance").

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-310. - Registration.

All Lobbyists shall, before engaging in lobbying activities, register with the Town Clerk. Every Person required to register as a Lobbyist shall:

- (1) Register on a form prepared by the Town Clerk; and
- (2) File a form with the Town Clerk, signed by the Principal or the Principal's representative, stating that the Lobbyist is authorized to represent the Principal; and
- (3) State under Oath the following:
 - a. Name and business address of the registrant;
 - b. The name and address of each Principal which has employed or retained the registrant to lobby;
 - c. The specific issue for which he/she has been employed or retained to lobby;
 - d. The existence of any direct or indirect business association, partnership, or financial relationship with any Employee or representative of the Town;
 - e. The fact that no contingent fees or contingent compensation is being paid to the Lobbyist; and

Any change to any information originally filed shall require that Person to file an amendment to the registration forms. Every Person has a continuing duty to supply information and amend the forms filed

throughout the period for which the lobbying occurs. For each separate Principal/event/occurrence or representation, an additional disclosure form shall be filed.

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-311. - Exceptions to registration.

The following shall not be required to register under this section:

- (1) Any public official or Town staff discussing matters relevant to their official duties;
- (2) Any individual (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;
- (3) Any Person who must appear or is requested to appear before the Town Council, board, committee or any member thereof, or Town staff in a quasi-judicial proceeding or any agent, attorney, Officer or Employee of such Person;
- (4) A foreign dignitary appearing in his/her official capacity.

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-312. - Reporting requirements; notice for failure to register; penalties; enforcement.

- (1) *Reporting requirements.* All Lobbyists subject to registration requirements shall submit to the Town Clerk's office a signed statement under Oath listing all lobbying Expenditures for the preceding calendar year with regards to the specific issue on which the Lobbyist has been engaged to lobby. The lobbying statement shall include Expenditures for food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. Such statement of Expenditures, entitled "Annual Expenditures Report," shall be rendered on the form provided by the Town Clerk's office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no Expenditures during the preceding calendar year. The Lobbyist and Principal have a continuing duty to supply accurate information and amend said reports when so needed. The Town Clerk shall keep a current list and a file of registered Lobbyists and registration forms required under this section, which shall be open to the public for inspection.
- (2) *Notice for failure to register.* The Town Clerk shall notify any Lobbyist (or Principal) who fails to timely file the Expenditure or fee disclosure reports referenced in subsection (1) above.
- (3) *Penalties.* In addition to any other penalties which may be imposed pursuant to the Town Code of Ordinances, any Lobbyist who fails to file the required Expenditure report by April 30 shall be assessed a fine of \$50.00 per day (beginning on May 1) and automatically suspended from lobbying until all fines are paid.
- (4) *Enforcement.* The Council hereby delegates to the Miami-Dade Commission on Ethics the enforcement of this article and any violations thereof, including penalties as provided for under section 2-11.1(s) of the County Ordinance.

(Ord. No. 567.15, § 2, 11-17-15)

MIAMI-DADE (CITY OF HIALEAH)

ARTICLE III. - LOBBYISTS

Sec. 26-66. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lobbyist means a person employed, paid or retained by a principal, who seeks to influence a decision of the mayor, city council, city board or committee or attempts to obtain the good will of a city official or employee. A lobbyist is not a person who merely appears before the mayor, city council, city board or committee in an individual capacity for the purpose of representing himself or others without compensation to support or oppose any ordinance, resolution, decision or action of the mayor, city council, city board or committee. A lobbyist includes paid consultants retained by an applicant or third party, attorneys, surveyors, architects or other people representing an applicant or third party before the city council or board.

Principal means the person who has employed or retained a lobbyist.

(Code 1960, § 2-171; Ord. No. 88-85, § 1, 8-9-1988; Ord. No. 99-27, § 1(4-16), 2-23-1999)

Cross reference— Definitions generally, § 1-2.

Sec. 26-67. - Registration and oath.

- (a) Prior to engaging in lobbying activity, every lobbyist shall register with the city clerk's office by completing a lobbyist registration form, disclosing under oath his name and business address, as well as the name and business address of each individual who or entity that employed or retained the lobbyist to represent the individual or entity and the general and specific areas of lobbyist interest in any city matter. Separate registration forms must be completed for each principal and/or issue for which the lobbyist will be representing any principal.
- (b) Every lobbyist is required to state under oath the extent of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city council, city board, or committee before whom the lobbyist lobbies or intends to lobby.

(Code 1960, § 2-172; Ord. No. 88-85, § 2, 8-9-1988; Ord. No. 99-27, § 1(4-17), 2-23-1999)

MIAMI-DADE COUNTY (CITY OF HIALEAH GARDENS)

ARTICLE VII. - PERSONNEL

Sec. 2-308. - Lobbying.

- (a) *Definitions.* For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include future tense, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

Agency means the City of Hialeah Gardens, including all elected and appointed officials, employees and persons acting on behalf of the agency.

Lobbyist means any person who, for compensation or remuneration, direct or indirect, seeks to influence the governmental decision making of the agency or seeks to encourage the passage, defeat or modification of any ordinance, resolution, contract, bid award, proposal, recommendation, action or decision of the agency.

Lobbyist does not mean:

- (1) A city employee when acting in his official capacity.
- (2) Any person, or its full-time employee, officer or owner who appears before the city council, city board or committee, or staff in an individual capacity for the purpose of self representation or for the representation of others without compensation or reimbursement to express support of or in opposition to any ordinance, resolution, action, recommendation or decision of any city board; or any resolution, action, recommendation or decision or recommendation of the mayor.

Person includes individual, firms, associations, joint ventures, general and limited partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

- (b) *Registration of lobbyist.* Commencing 15 days after the effective date of this section and continuing thereafter, all lobbyists shall, before engaging in any lobbying activities, register with the city clerk.
- (c) *Registration forms.* Every person required to register as a lobbyist shall do so on forms prepared by the city clerk and shall state under oath his or her name, business address, the name and business address of each person which has employed said registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.
- (d) *Filing and disclosure of annual expenditures.* Commencing on April 1, 2003 and on January 1 of each year thereafter, all lobbyists registered pursuant to this section shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the city clerk.
- (e) *Penalties for violation; cumulative in nature.*
- (1) Whenever a violation of this section exists, the city council may publicly reprimand, censure, and/or prohibit such lobbyist before the agency for a period of up to but not to exceed two years.
 - (2) The penalties provided herein are cumulative in nature. Nothing contained in this section shall prevent the agency from pursuing any other remedies available to the agency under the agency's code and/or Florida law for the enforcement of its ordinances.

- (f) *Public records.* All registration forms and annual disclosure statements required by this section shall be public records subject to inspection and examination as provided for in section 119.07 of the Florida Statutes.
- (g) *Lobbyist registration fee.* An annual lobbyist registration fee in the amount of \$25.00 per calendar year for each lobbyist shall be paid to the city clerk at the time the lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this section.

(Ord. No. 2003-12, 4-1-03)

MIAMI-DADE COUNTY (CITY OF HOMESTEAD)

ARTICLE XIII. - LOBBYING ACTIVITIES

Sec. 2-590. - Lobbyists.

The provisions of section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "X," attached hereto and incorporated herein, is hereby adopted and shall apply within the city, except that in lieu of the fee for annual lobbyist registration which is specified by section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the city for registration of each lobbyist for the representation of each principal of the lobbyist shall be one hundred dollars (\$100.00) (per principal represented), and the fee payable to the city for annual lobbyist registration for each lobbyist shall be two hundred dollars (\$200.00). References in the County Lobbying Ordinance to county personnel shall be deemed to be references to city personnel who serve in comparable capacities to the county personnel referred to. References in the County Lobbying Ordinance to the county commission or to a "county board or committee" shall be deemed to be references to the city council or to the city's boards as applicable.

(Ord. No. 99-02-06, § 1, 2-15-99; Ord. No. 99-03-10, § 1, 3-15-99; Ord. No. 2004-02-10, §§ 2, 3, 3-1-04)

Secs. 2-591—2-593. - Reserved.

Editor's note— Ord. No. 2004-02-10, § 2, adopted Mar. 1, 2004, repealed §§ 2-591—2-593 in their entirety. Former §§ 2-591—2-593 pertained to registration required, information and annual statement of expenditures, and derived from Ord. No. 99-02-06, § 1, adopted Feb. 15, 1999.

Sec. 2-594. - Penalties.

- (a) Whenever a violation of this article exists, the city council may publicly reprimand, censure and/or prohibit such lobbyist from lobbying before the city for a period of up to but not to exceed two (2) years.
- (b) The penalties provided in this section are cumulative in nature. Nothing contained in this article shall prevent the city from pursuing any other remedies available to the city under the city's Code and/or state law for the enforcement of its ordinances.

(Ord. No. 99-02-06, § 1, 2-15-99; Ord. No. 2004-02-10, § 3, 3-1-04)

Secs. 2-595—2-620. - Reserved.

Editor's note— Ord. No. 2004-02-10, § 2, adopted Mar. 1, 2004, repealed §§ 2-595 and 2-596 in their entirety. Former §§ 2-595 and 2-596 pertained to registration forms, disclosure statements and registration fee, and derived from Ord. No. 99-02-06, § 1, adopted Feb. 15, 1999; and Ord. No. 01-12-37, § 1, adopted Jan. 7, 2002.

MIAMI-DADE COUNTY (CITY OF KEY BISCAYNE)

ARTICLE IX. - LOBBYING

Sec. 2-161. - Lobbyists.

The provisions of Section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "A" attached to Ordinance No. 2004-4 and incorporated herein by reference, are hereby adopted and shall apply within the Village of Key Biscayne, except that in lieu of the fee for annual lobbyist registration which is specified by Section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the Village for registration of each lobbyist for the representation of each principal of the lobbyist shall be \$100.00 (per principal represented), and the fee payable to Village for annual lobbyist registration for each lobbyist shall be \$200.00. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to Village personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County board or committee" shall be deemed to be references to the Village Council or to the Village's boards, as applicable.

(Ord. No. 2004-4, § 2, 3-9-04)

Secs. 2-162—2-170. - Reserved.

MIAMI-DADE COUNTY (CITY OF MEDLEY)

ARTICLE V. - LOBBYING^[5]

Footnotes:

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Editor's note—Ord. No. C-393, § 2, adopted June 1, 2015, set out provisions intended for use as §§ 2-141—2-145. For purposes of preserving the style of this Code, and at the editor's discretion, these provisions have been included as §§ 2-150—2-154.

Sec. 2-150. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the town for the purpose of lobbying.

Lobbyist means any individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of any ordinance, resolution, action or decision of the Town Council, or any action, decision, recommendation of any town board or committee, or any action, decision or recommendation of any town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Council, or a town board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities.

Other terms: Any other term used herein and not defined, shall have the meaning ascribed to it in the Miami-Dade County Conflict of Interest and Ethics Ordinance, as that may be amended from time to time (the "County Ordinance").

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person that has employed or retained the services of a lobbyist.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-151. - Registration.

All lobbyists shall, before engaging in lobbying activities, register with the Town Clerk. Every person required to register as a lobbyist shall:

- (1) Register on a form prepared by the Town Clerk;
- (2) File a form with the Town Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal;
- (3) State under oath the following:
 - a. Name and business address of the registrant;
 - b. The name and address of each principal which has employed or retained the registrant to lobby;
 - c. The specific issue for which he/she has been employed or retained to lobby;

- d. The existence of any direct or indirect business association, partnership, or financial relationship with any employee or representative of the town;
 - e. The fact that no contingent fees or contingent compensation is being paid to the lobbyist; and
- (4) Pay the annual registration fee of \$150.00 for each lobbyist, plus an additional fee of \$50.00 for each principal represented for each issue lobbied on behalf of any principal. The registration fees shall be deposited by the Town Clerk into a separate account and shall be expended for the purpose of recording, transcribing, and other administrative costs incurred in maintaining these records for availability to the public. Unexpended funds shall be transferred to the town's general revenue at the end of each fiscal year. The Town Council may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. All lobbyist registrations shall expire on December 31 of each year and shall be renewed on a calendar year basis.

Any change to any information originally filed shall require that person to file an amendment to the registration forms. Every person has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-152. - Exceptions to registration.

The following shall not be required to register under this section:

- (1) Any public official or town staff discussing matters relevant to their official duties;
- (2) Any individual (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;
- (3) Any person who must appear or is requested to appear before the Town Council, board, committee or any member thereof, or town staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person; and
- (4) A foreign dignitary appearing in his/her official capacity.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-153. - Exemptions from fee payment.

The following shall be required to register but shall be exempt from paying any registration fees:

- (1) Any person appearing before the Town Council, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers association, a civic or homeowners' association, a public interest group or a chamber of commerce.
- (2) Any non-profit community based organization seeking grant services and/or grant funding from the town.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-154. - Reporting requirements; notice for failure to register; penalties; enforcement.

- (a) *Reporting requirements.* All lobbyists subject to registration requirements shall submit to the Town Clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year with regards to the specific issue on which the lobbyist has been engaged to lobby. The lobbying statement shall include expenditures for food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. Such statement of expenditures, entitled "Annual Expenditures Report," shall be rendered on the form provided by the Town Clerk's office and shall be open for public inspection. Such statement shall be filed by February 1 of each year, even if there have been no expenditures during the preceding calendar year. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed. The Town Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection.
- (b) *Notice for failure to register.* The Town Clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsection (a) above.
- (c) *Penalties.* In addition to any other penalties which may be imposed pursuant to the Town Code, any lobbyist who fails to file the required expenditure report by April 30 shall be assessed a fine of \$50.00 per day (beginning on May 1) and automatically suspended from lobbying until all fines are paid.
- (d) *Enforcement.* The Council hereby delegates to the Miami-Dade Commission on Ethics the enforcement of this article and any violations thereof, including penalties as provided for under section 2-11.1(s) of the county ordinance.

(Ord. No. C-393, § 2, 6-1-2015)

MIAMI-DADE COUNTY (CITY OF MIAMI)

ARTICLE VI. - LOBBYISTS

Sec. 2-651. - Applicability.

Notwithstanding any provision in the Code of the city, as amended, to the contrary, the following shall be applicable in the city.

(Ord. No. 10087, § 1, 3-18-86; Code 1980, § 2-311)

Sec. 2-652. - Penalty.

Any person in violation of any provision of this article shall be subject to the penalty as provided in section 1-13.

(Ord. No. 10087, § 3, 3-18-86; Code 1980, § 2-312)

City Code cross reference— General penalty, § 1-13.

Sec. 2-653. - Definitions.

As used in this article:

Compensation means money or anything of value or financial benefit received in return for the performance of lobbying activities.

Contingency fee means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any ordinance, resolution or action of the city commission or any resolution, action, recommendation or decision of any city board or of the city manager or city staff.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

Government employee means any agent of government, whether elected, appointed or hired, paid or unpaid, who is acting on behalf of the United States, the State of Florida, or any agency, political subdivision, special district, county or municipality of the State of Florida.

Lobbyist means all paid persons, firms, corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any ordinance, resolution, action or decision of the city commission; or any resolution, action, decision or recommendation of any city board or committee; or any action, decision, or recommendation of the city manager during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be reviewed by the city commission, or a city board or committee.

Lobbyist also means any member of the staff of the "lobbyist" (as defined hereinabove) who receives for himself or herself any compensation, remuneration or expenses for conducting lobbying activities.

Lobbyist does not mean an attorney who is a member of the Florida Bar representing a client in enforcement proceedings before the code enforcement board, or before the nuisance abatement board, or disciplinary or grievance proceedings before the civil service board.

Lobbyist does not mean a city employee when acting in his official capacity, or a city consultant when acting in such capacity.

Lobbyist does not mean a government employee acting in his/her official capacity.

Lobbyist does not mean a foreign dignitary appearing in his/her official capacity.

Lobbyist does not mean a person who owns, publishes or is employed by a newspaper, periodical, radio station, television station or other bona fide news media.

Lobbyist does not mean a person who merely appears before the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation to express support for or opposition to any ordinance, resolution, decision or action of the city commission; or any resolution, action, recommendation or decision of any city board or committee; or any action, decision or recommendation of the mayor, city manager or city staff.

Lobbyist does not mean a person appearing solely to provide factual information requested by the mayor, a member of the city commission or a city board.

Principal means the person, firm, corporation, or other entity, whether for profit or nonprofit, which has retained a lobbyist.

(Ord. No. 10087, § 2(a)(1), (2), 3-18-86; Ord. No. 10181, § 1, 11-13-86; Ord. No. 10478, § 1, 9-8-88; Code 1980, § 2-313; Ord. No. 11469, § 2, 3-20-97; Ord. No. 11527, § 2, 7-24-97; Ord. No. 11564, § 4, 10-28-97)

City Code cross references— Code enforcement board, § 2-812 et seq.; civil service board, § 40-66 et seq.

Sec. 2-654. - Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register.

- (a) A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city clerk and submitted a certificate of completion, of an ethics course provided by the Miami-Dade County Commission on Ethics Public Trust or the city completed no more than one year prior to registering. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$525.00 as an initial registration fee, plus an additional fee of \$105.00 for each principal represented for each issue lobbied on behalf of any one principal. The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration and/or any other associated costs incurred in maintaining these records for availability to the public. The city commission may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.
- (b) Every person required to register as a lobbyist shall:
 - (1) Register on forms prepared by the city clerk;
 - (2) Pay an initial registration fee of \$525.00, plus an additional fee of \$105.00 for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal; and
 - (3) Disclose, under oath, the following information:
 - a. Lobbyist's name and business address;
 - b. Name and business address of each principal represent;
 - c. The specific issue on which he or she has been retained to lobby; and

- d. If the lobbyist represents a corporation, partnership or trust, the name and business address of the chief officer, partner or beneficiary of the corporation, partnership or trust and the names and addresses of all persons holding, directly or indirectly, at least five percent ownership interest in said corporation, partnership or trust. A separate registration form shall be filed by the lobbyist and an additional fee of \$105.00 shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal. Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The city clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby. Lobbyists shall register on or before April 1, 1997, and yearly thereafter, in accordance with the provisions of this section.
- (c) In addition, every registrant shall be required to state under oath the existence of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city commission, any member of a city board, the city manager or a member of the city staff before whom he lobbies, or intends to lobby.
- (d) The city clerk shall maintain a log, which shall be updated on a quarterly basis by April 15, July 15, October 15 and January 15 of each year, reflecting the lobbyist registrations filed in accordance with this section and shall be distributed to the mayor and city commission.
- (e) The mayor, all members of the city commission, of city boards, the city manager and city staff shall be diligent to ascertain that persons required to register pursuant to this section have complied, by requesting record of compliance from the city clerk. The mayor, members of the city commission, of city boards the city manager and city staff may not knowingly permit a person who is not registered pursuant to this section to lobby.
- (f) Each person who withdraws as a lobbyist for a particular principal shall file an appropriate notice of withdrawal concerning representation for that principal. There shall be no fee required for filing a notice of withdrawal.
- (g) The validity of any action or determination of the city commission or any other city board or committee shall not be affected by the failure of any person to comply with the provisions of this section.
- (h) The following persons shall be required to register but will be exempt from paying the registration fee:
 - (1) A person who, pursuant to the terms of a collective bargaining agreement, has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees;
 - (2) A person(s) appearing before the commission, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers' association, a civic or homeowners' association, a public interest group, a chamber of commerce, or a merchants' association.
- (i) All registration forms shall be open to the public upon the filing thereof.

(Ord. No. 10087, § 2(a)(3), (b)—(d), 3-18-86; Ord. No. 10181, § 1, 11-13-86; Code 1980, § 2-314; Ord. No. 11469, § 2, 3-20-97; Ord. No. 11564, § 4, 10-28-97; Ord. No. 13125, § 2, 1-14-10; Ord. No. 13141, § 1, 2-11-10; Ord. No. 13142, § 2, 2-11-10)

Editor's note— Ord. No. 13141, § 1, adopted February 11, 2010, changed the title of section 2-654 from "Registration; fee; disclosure requirements; log of registered lobbyists; exemptions

from payment of fee" to "Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register."

Sec. 2-655. - Annual expenditures report.

A lobbyist shall annually submit to the city clerk's office a signed statement under oath listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include, but not be limited to: meals, entertainment and gifts for public officers and employees for the preceding calendar year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures, entitled "Annual Expenditures Report" shall be due on January 15 of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open to public inspection. Such statement shall be filed, even if there have been no expenditures during the preceding calendar year.

(Ord. No. 10087, § 2(e), 3-18-86; Ord. No. 10611, § 1, 7-13-89; Code 1980, § 2-316; Ord. No. 11469, § 2, 3-20-97)

Sec. 2-656. - Advisory opinions.

- (a) A lobbyist, when in doubt about the applicability and interpretation of this article in a particular context, shall submit in writing the facts for an advisory opinion by the city attorney. The city attorney shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section. All advisory opinions of the city attorney shall be numbered, dated and furnished to the city clerk's office and shall be open to public inspection.
- (b) The city clerk's office shall keep all advisory opinions of the city attorney relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(Ord. No. 10087, § 2(f), (g), 3-18-86; Code 1980, § 2-317)

Sec. 2-657. - Penalties for violations.

- (a) Any lobbyist who fails to file the annual expenditures report by the January 15 deadline each calendar year shall be subject to a fine of \$25.00.
- (b) Upon verification of a lobbyist's failure to file the annual expenditures report, the city clerk shall notify the lobbyist by certified mail that the annual expenditures report must be filed within five business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he/she shall submit a new registration form accompanied by a \$525.00 registration fee plus any and all outstanding fines accrued prior to re-registration.
- (c) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this section.

(Ord. No. 10087, § 2(h), 3-18-86; Code 1980, § 2-318; Ord. No. 11469, § 2, 3-20-97; Ord. No. 13246, § 2, 1-13-11)

Sec. 2-658. - Contingency fees.

No person shall retain or employ a lobbyist for compensation based on a contingency fee, and no person shall accept any such employment or render any service for compensation based on a contingency fee.

(Ord. No. 11469, § 2, 3-20-97)

Secs. 2-659—2-690. - Reserved.

MIAMI-DADE COUNTY (CITY OF MIAMI BEACH)

DIVISION 3. - LOBBYISTS

Sec. 2-481. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city commissioners.

Autonomous personnel includes but is not limited to the members of the housing authority, personnel board, pension boards, and such other autonomous or semi-autonomous authorities, boards and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined functions or areas of responsibility.

Commissioners means the mayor and members of the city commission.

Community based organization means a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.

Departmental personnel means the city manager, all assistant city managers, all department heads, the city attorney, chief deputy city attorney and all assistant city attorneys; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Lobbyist means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities. The term "lobbyist" specifically excludes the following persons:

Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.

The persons specifically excluded above from the definition of "lobbyist" shall, prior to communicating with subject city personnel, disclose in writing to the city clerk, their name, address, and principal on whose behalf they are communicating.

Neighborhood association means an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

Quasi-judicial personnel means the members of the planning board, the board of adjustment and such other boards and agencies of the city that perform such quasi-judicial functions. The nuisance abatement board, special master hearings and administrative hearings shall not be included for purposes of this division as to those individuals compelled to appear before said agencies.

(Ord. No. 92-2777, §§ 1, 2, 3-4-92; Ord. No. 92-2785, §§ 1, 2, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

Cross reference— Definitions generally, § 1-2.

Sec. 2-482. - Registration; disclosures.

(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$350.00, as specified in appendix A and state under oath:

- (1) His name;
- (2) His business address;
- (3) The name and business address of each person or entity which has employed the registrant to lobby;
- (4) The commissioner or personnel sought to be lobbied, and whether the lobbyist has entered into any contractual relationship (paid or unpaid) with said city commissioner or personnel from 12 months preceding such person's commencement of service with the city to the present date, stating the general nature of the subject contractual relationship.

a. A lobbyist who has within the past election cycle provided campaign consulting services to an incumbent member of the City Commission shall disclose such particular service on his/her lobbyist registration form and shall orally disclose such particular service before lobbying the City Commission at a public meeting.

b. For purposes of subsection (4)a., above, the following definitions shall apply:

Campaign consulting services means primary responsibility for campaign management or campaign strategy.

Campaign management means conducting, coordinating or supervising a campaign to elect a candidate.

Campaign strategy means formulation of plans for the election of a candidate.

Candidate shall have the meaning ascribed to such term in F.S. § 97.021(5), as amended and supplemented.

Past election cycle means the immediately preceding City of Miami Beach election held for the purpose of electing a member of the City Commission.

- (5) The specific issue on which he has been employed to lobby; and
- (6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.

Cross reference— List of expenditures; fee disclosure; reporting requirements, § 2-485.

(b) Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons

holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.

- (d) Separate registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number.
- (e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- (f) In addition to the \$350.00 per issue registration fee required in subsection (a) of this section, annual registration of all lobbyists shall be required for each 12-month period commencing October 1 of each year, and the fee for such annual registration shall be \$500.00, as specified in appendix A.
- (g) Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city commissioner or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the city commission may in its discretion, waive the registration fee upon a finding of financial hardship. Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of "lobbyist" as set forth in section 2-481 above) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect to express support of or opposition to any item, shall register with the clerk as required by this section but, shall not be required to pay any registration fees. Copies of registration forms shall be furnished to each commissioner or other personnel named on the forms.
- (i) All members of the city commission and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Commissioners or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the commissioner or the relevant committee, board or city personnel.
- (j) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

(Ord. No. 92-2777, § 3, 3-4-92; Ord. No. 92-2785, § 3, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2008-3600, § 1, 3-12-08; Ord. No. 2009-3650, § 1, 9-24-09; Ord. No. 2010-3689, § 1, 9-15-10; Ord. No. 2016-4024, § 1, 7-13-16)

Sec. 2-483. - Exceptions to registration.

- (a) Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his official capacity shall not be required to register as a lobbyist.
- (b) Any person who only appears in his individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are

members of homeowner or neighborhood associations. All speakers shall, however, sign up on forms available at the public hearing. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(Ord. No. 92-2777, §§ 4, 5, 3-4-92; Ord. No. 92-2785, §§ 4, 5, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

Sec. 2-484. - Sign-in logs.

In addition to the registration requirements addressed above, all city departments, including the offices of the mayor and city commission, the offices of the city manager, and the offices of the city attorney, shall maintain signed sign-in logs for all noncity employees or personnel for registration when they meet with any personnel as defined in section 2-481.

(Ord. No. 92-2785, § 6, 6-17-92)

Sec. 2-485. - List of expenditures; fee disclosure; reporting requirements.

- (a) On February 28¹ of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (b) Each lobbyist and his/her principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting as such.
- (c) Any change to information originally filed shall require that the lobbyist (and principal under subsection (b) above) file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.
- (d) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in sections (a) and (b) above. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by April 30 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Miami Dade County Ethics Commission.
- (e) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
- (f) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the

notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

(Ord. No. 92-2777, § 6, 3-4-92; Ord. No. 92-2785, § 7, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2002-3363, § 1, 5-8-02; Ord. No. 2002-3376, § 1, 7-31-02; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2010-3689, § 2, 9-15-10)

¹ For purposes of transitioning this change of date and related lobbyist responsibility to timely file disclosure reports as required hereinabove, reports for calendar years 2009 and 2010 shall be submitted to the city clerk by February 28, 2011, with subsequent years' reports to be filed with the city clerk by February 28 of each respective following year, as set forth in [subsection] (a) above.

Sec. 2-485.1. - Penalties.

(a) A finding by the Miami-Dade County Commission on Ethics and Public Trust that a person has violated this division shall subject said person to those penalties set forth within subsections 2-11.1(s) and (z) of the Metropolitan Dade County Code, said penalties including admonition, public reprimand, fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.

Also, a bidder or proposer shall be subject to the debarment provisions of chapter 2, division 5 of this Code as if the bidder or proposer were a contractor where the bidder or proposer has violated this division either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, RFP, RFQ, RFLI; provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(b) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city commission or city personnel, board or committee, shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04)

Sec. 2-485.2. - Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

(Ord. No. 2002-3364, § 1, 5-8-02)

Editor's note— Ord. No. 2002-3364, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485A. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.2.

Sec. 2-485.3. - Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of:

- (1) An ordinance, resolution, action or decision of the city commission;
- (2) Any action, decision or recommendation of the city manager or any city board or committee; or
- (3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee.

(Ord. No. 2002-3365, § 1, 5-8-02; Ord. No. 2004-3435, § 1, 2-4-04)

Editor's note— Ord. No. 2002-3365, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485B. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.3.

MIAMI-DADE COUNTY (MIAMI GARDENS)

PART 1 CHAPTER

ARTICLE VII. - GENERAL PROVISIONS

Section 7.6. - Lobbyists.

- (A) The City Council shall pass, maintain and enforce an ordinance, which requires all lobbyists as may be defined by the Miami-Dade County Code and/or as may be made more stringent by the City Council to:
- (1) Register with the City Clerk prior to lobbying any City government official i.e., City Council member, City Manager, employee, board or committee member;
 - (2) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity;
 - (3) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities;
 - (4) Disclose in writing all City government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any City government officials or on their behalf;
 - (5) Direct the City Clerk to disseminate to the City Council, prior to any public hearing on the event or matter for which such lobbyist may appear all disclosures required herein or as otherwise required by State or County law;
 - (6) The City shall develop appropriate sanctions for violations of this section, including but not limited to rendering the issue being lobbied voidable.
- (B) Elected officials shall be prohibited for one (1) year following their term of office from lobbying on behalf of another, any elected official, employee or appointed board or committee member.

CHAPTER 2 – ADMINISTRATION

ARTICLE VII. - LOBBYISTS^[13]

Footnotes:

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Charter reference— Lobbyists, § 7.6.

Sec. 2-554. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city council members.

City council members means the mayor and members of the city council.

Community-based organization means a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.

Departmental personnel means the city manager, the deputy city manager, all assistant city managers, all department heads, division heads, the city attorney and all assistant city attorneys, the city clerk and the deputy city clerk; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Homeowner/neighborhood association means an organization of residential homeowners and tenants created to address quality-of-life issues in a defined neighborhood or community.

Lobbyist.

- (1) The term "lobbyist" means all persons employed or retained, whether paid or not, by a principal who seeks to encourage:
 - a. The passage, defeat or modification of any ordinance, resolution, action or decision of any city council member;
 - b. Any action, decision, recommendation of the city manager or any city board or committee; or
 - c. Any action, decision or recommendation of any city personnel;defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city council, or a city board or committee.
- (2) The term "lobbyist" specifically excludes the principal as well as any employee of the principal engaged in lobbying activities. The term shall also exclude the following persons:
 - a. Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance;
 - b. Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his/her official capacity shall not be required to register as a lobbyist;
 - c. Any person who only appears in his/her individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including, but not limited to, those who are members of homeowner or neighborhood associations.

Quasi-judicial personnel means the city council and such other boards and agencies of the city that perform such quasi-judicial functions. Code enforcement hearings and other administrative hearings shall not be included for purposes of this division.

(Ord. No. 2007-09-115, § 3(1), 4-25-2007)

Sec. 2-555. - Registration.

- (a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the city clerk, pay a one-time annual registration fee of \$250.00, and state under oath:
 - (1) His/her name;
 - (2) His/her business address;
 - (3) The name and business address of each person or entity which has employed the registrant to lobby;
 - (4) The city council member or personnel sought to be lobbied;
 - (5) The specific issue on which he/she has been employed to lobby; and
 - (6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.
- (b) Any change to any information originally filed, or any additional city council member or personnel who are also sought to be lobbied, shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- (d) Separate registration shall be required for each principal represented on each specific issue. However, a separate fee shall not be required for each principal. Such issue shall be described with, as much detail as is practical, including, but not limited to, a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number.
- (e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- (f) All lobbyists shall be required to register prior to October 1 of each year. In the event registration occurs after October 1, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30 of each year.
- (g) Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city council member or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the city clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the city council may in its discretion waive the registration fee upon a finding of financial hardship.
- (i) Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of lobbyist as set forth in section 2-554) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect, to express support of or opposition to any item, shall register with the city clerk as required by this section but, shall not be required to pay any registration

fees. Copies of registration forms shall be furnished to each city council member or other personnel named on the forms.

- (j) All members of the city council and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City council members or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the city council member or the relevant committee, board or city personnel.
- (k) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

(Ord. No. 2007-09-115, § 3(2), 4-25-2007)

Sec. 2-556. - List of expenditures; fee disclosure; reporting requirements.

- (a) On or before October 1 of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (b) Each lobbyist and principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting such.
- (c) Attorneys licensed by the Florida Bar shall not be required to divulge client confidences relating to their compensation.
- (d) Any change to information originally filed shall require that the lobbyist and principal, as provided in subsection (b) of this section file, within three business days from such changed circumstances, a signed statement under oath amending the reports referenced in subsections (a) and (b) of this section; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three-day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.
- (e) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsections (a) and (b) of this section. In addition to any other penalties, which may be imposed herein, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by December 1 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the county ethics council.
- (f) Upon the failure of a lobbyist (or principal) to file either of the reports referenced in subsections (a) and (b) of this section and/or pay the assessed fines after notification, the violator shall be subject to any penalties.
- (g) In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the city council or any committee, board or personnel of the city on the subject that resulted in a finding of a violation, and shall be subject to the penalties set forth in this chapter. Additionally, every lobbyist who is found to be in violation of this article shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- (1) First violation: for a period of one year from the date of determination of violation;
- (2) Second violation: for a period of two years from the date of determination of violation;
- (3) Third violation: for a period of three years from the date of determination of violation.

Penalties shall include admonition, public reprimand, and fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.

- (h) A lobbyist (or principal) may appeal a fine and/or penalty and may request a hearing before the city's special master. A request for a hearing on the fine must be filed with the city clerk's office within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. If the city demonstrates by competent substantial evidence that a violation occurred, the special master shall confirm the fine and/or penalty. However, if the city does not demonstrate by competent substantial evidence that a violation occurred, the special master shall waive the penalty and/or fine.
- (i) A bidder or proposer shall be subject to debarment if the bidder or proposer were a contractor where the bidder or proposer has violated this section either directly or indirectly or any combination thereof, on three or more occasions. As used herein, the term "direct violation" means a violation committed by the bidder or proposer, and the term "indirect violation" means a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, requests for proposal (RFP), requests for qualification (RFQ), or RFLI, provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.
- (j) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city council or city personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 2007-09-115, § 3(3), 4-25-2007)

Sec. 2-557. - Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

(Ord. No. 2007-09-115, § 3(4), 4-25-2007)

Sec. 2-558. - Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, the term "contingency fee" means a fee, bonus, council, or nonmonetary benefit as compensation, which is dependent on or in any way contingent on the passage, defeat, or modification of:

- (1) An ordinance, resolution, action or decision of the city council;
- (2) Any action, decision or recommendation of the city manager or any city board or committee; or
- (3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city council, or a city board or committee.

(Ord. No. 2007-09-115, § 3(5), 4-25-2007)

Secs. 2-559—2-579. - Reserved.

MIAMI-DADE COUNTY (CITY OF MIAMI SHORES VILLAGE)

ARTICLE VII. - LOBBYISTS

Sec. 2-100. - Lobbyist registration.

- (a) *Definitions:* For the purpose of this section, the following terms shall have the definitions contained herein:

Compensation means payment, promise of payment or expectation of payment of anything of value.

Lobbyist means any person directly or indirectly employed or retained, for compensation, to act on behalf of a principal for the purpose of seeking to influence any official action of the village by seeking to encourage the approval, defeat, or modification of any of the following:

- (1) Any ordinance, resolution, official action or official decision of the village council;
- (2) Any official action of any individual member or members of the village council (including, for example, those circumstances where individual council members may be afforded rights to appoint members of boards or committees);
- (3) Any official action, decision or recommendation of any village board, committee, or agency; and
- (4) Any official action, decision or recommendation of the village manager, or village department heads, with regard to any matter which foreseeably will be heard or reviewed by the village council or a village board, committee, or agency.

Principal means a natural person, firm, corporation or other business entity that has employed or retained a lobbyist.

- (b) (1) *Registration and filing requirements.* All lobbyists shall, before engaging in any lobbying activities, register with the clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$75.00 and disclose under oath:
- a. The name and business address of lobbyist;
 - b. The name and business address of principal;
 - c. The identity of all officials or personnel sought to be lobbied; and
 - d. The specific issue on which the lobbyist has been employed to lobby.
- (2) *Disclosure.* If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary thereof shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding directly or indirectly, a ten percent or more ownership interest in the corporation, partnership or trust.
- (3) *Change or modification of information.* Any changes or additions to any information originally filed shall require the lobbyist to file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (4) *Exclusions.* Notwithstanding anything to the contrary contained herein, individuals dealing with village staff, departments, officials, boards, committees or agencies in the course and scope of their practice of a duly licensed profession, regulated by the State of Florida or any agency thereof, (such as, for example, attorneys, architects, engineers, realtors and the like) shall not be required to register as lobbyists in connection with such dealings provided, however, that, in connection with each such matter in which a licensed professional represents a principal in matters pending before the village, the licensed professional discloses to the village the fact of such representation and identity of the principal represented, in writing, prior to or at the inception of any such lobbying activities, and provides a copy of such disclosure to the clerk.

(Ord. No. 656-06, § 1, 3-21-06)

Secs. 2-101—2-114. - Reserved.

MIAMI-DADE COUNTY (CITY OF NORTH BAY VILLAGE)

Chapter 38 - CONFLICT OF INTEREST AND CODE OF ETHICS

§ 38.17 - Lobbying.

- (A) As used in this section "Village personnel" means those Village officers and employees specified in subsection 38.02(A) through (F). "Lobbyist" means all employees, persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the Village Commission; (2) any action, decision, recommendation of any Village board or committee; or (3) any action, decision or recommendation of Village personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the Village Commission, or a Village board or committee. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.
- (B) All lobbyists shall, before engaging in any lobbying activities, register with the Village Clerk. Every person required to register shall:
- (1) Register on forms prepared by the Village Clerk;
 - (2) Pay an initial registration fee of \$125.00;
 - (3) State under oath his or her name and business address and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in the corporation, partnership, or trust. Annual registration of all lobbyists shall be required prior to January 15 of year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be \$300.00. In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection 38.02(A). The registration fees required by this section shall be deposited by the Village Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal and the Village Commission may, in its discretion, waive the registration fee upon a finding of financial hardship.
 - (4) Prior to conducting any lobbying, all principals must file a form with the Village Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Village Clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.
 - (5) Every lobbyist and principal of a local business shall sign-in with the Village Clerk each time he or she meets with Village personnel at a Village facility, or shall deliver a memorandum of meeting to the Village Clerk within 24 hours of meeting with Village personnel at another

location, and shall inform the Village Clerk, in writing, of the: (1) name of the lobbyist or the principal of the local business; (2) the Village personnel; (3) the time and place of the meeting; and (4) the issue to be discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

- (C) (1) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (2) Any person who only appears in his or her individual capacity for the purpose of self-representation and any principal of a local business who appears without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.
- (D) Any person who appears as a representative for an individual or firm for an oral presentation before a Village certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the Village all individuals who may make a presentation. The affidavit shall be filed by staff with the Village Clerk's office at the time the proposal is submitted. For the purpose of this section only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Village Clerk's office and has paid all applicable fees.
- (E) (1) Between January 2 and 15 of each year, the lobbyist shall submit to the Village Clerk a signed statement under oath listing all lobbying expenditures in excess of \$25.00 for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
- (2) The Village Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Where a fine of \$50.00 per day is assessed, the Ethics Commission shall not impose an additional fine as provided in subsection 2-11.1(u) of the county code. Any lobbyist who fails to file the required expenditure report by July 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.
- (3) The Village Clerk shall notify the Ethics Commission of the failure of a lobbyist or principal to file a report and, or, pay the assessed fines after notification.
- (4) A lobbyist or principal may appeal a fine and may request a hearing before the Ethics Commission. A request for a hearing on the fine must be filed with the Ethics Commission within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Ethics Commission shall have the authority to waive the fine, in whole or part, based on good cause shown.
- (F) The Village Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection 38.17. The Village Clerk shall publish logs for the current quarter of the fiscal year as soon as practicable after the effective date of this ordinance. All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. Section 11.045.
- (G) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection 38.17. In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the Village Commission or any committee, board or personnel of the Village on the subject that resulted in a finding of a violation. Additionally, every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- First violation for a period of 90 days from the date of determination of violation;
- Second violation for a period of one year from the date of determination of violation;
- Third violation for a period of five years from the date of determination of violation.

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing the bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The Village Manager shall include the provisions of this section in all Village bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal *per se*.

- (H) All members of the Village Commission, and all Village personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Village Commissioners or Village personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the Village Commissioners, or committee, board or Village personnel.
- (I) Except as otherwise provided in subsection 38.17(G) the validity of any action or determination of the Village Commissioners or Village personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection 38.17.
- (J) Commencing on the effective date of this ordinance, and between January 2 and 15 of every year thereafter, each lobbyist shall disclose the terms and amount of compensation paid by each principal to the lobbyist. The principal shall also disclose the terms and amount of compensation paid to every lobbyist retained or employed by the principal. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist. No lobbyist may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit paid or promised as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) any ordinance, resolution, action or decision of the Village Commission; (2) any action, decision or recommendation of any Village board or committee; or (3) any action, decision or recommendation of Village personnel during the time period of the entire decision-making process regarding the action, decision or recommendation which foreseeably will be heard or reviewed by the Village Commission, or a Village board or committee.

(Ord. No. 02-27, § 1, 11-12-02)

§ 38.18 - Cone of Silence.

(A) *Contracts for the provision of goods and services.*

- (1) "Cone of Silence" is hereby defined to mean a prohibition on:
 - a. any communication regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Village's professional staff including, but not limited to, the Village Manager and his or her staff;
 - b. any communication regarding a particular RFP, RFQ, or bid between the Mayor or Village Commissioners and any member of the Village's professional staff including, but not limited to, the Village Manager and his or her staff;
 - c. any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

- d. any communication regarding a particular RFP, RFQ or bid between the Mayor, Village Commissioners and any member of the selection committee;
- e. any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor or Village Commissioners; and
- f. any communication regarding a particular RFP, RFQ or bid between any member of the Village's professional staff and any member of the selection committee. The Village Manager and the Chairperson of the selection committee may communicate about a particular selection committee recommendation, but only after the committee has submitted an award recommendation to the Village Manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change shall be described in writing and filed by the Village Manager with the Village Clerk and be included in any recommendation memorandum submitted by the Village Manager to the Village Commission.

Notwithstanding the foregoing, the Cone of Silence shall not apply to:

- a. communications with the Village Attorney and his or her staff;
- b. duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Village Manager makes his or her written recommendation;
- c. any emergency procurement of goods or services;
- d. communication regarding a particular RFP, RFQ or bid between any person and the contracting officer responsible for administering the procurement process for the RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.

(2) Procedure.

- a. A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of the RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the Village Manager or his or her designee shall provide for public notice of the Cone of Silence. The Village Manager shall issue a written notice to the affected departments, file a copy of the notice with the Village Clerk, with a copy to the Mayor and each Village Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance. Notwithstanding any other provision of this section, the imposition of a Cone of Silence on a particular RFP, RFQ or bid shall not preclude staff from obtaining industry comment or performing market research, provided all communications related thereto between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the Village's professional staff including, but not limited to, the Village Manager and his or her staff, are in writing or are made at a duly noticed public meeting.
- b. The Cone of Silence shall terminate at the time the Village Manager makes his or her written recommendation to the Village Commission; provided, however, that if the Village Commission refers the Village Manager's recommendation back to the Village Manager or staff for further review, the Cone of Silence shall be re-imposed until the time as the Village Manager makes a subsequent written recommendation.

(3) Exceptions. The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Village Commission during any duly noticed public meeting or communications in writing at any time with any Village employee, official or member of the Village Commission unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written

communication with the Village Clerk. The Village Clerk shall make copies available to any person upon request.

- (B) *Penalties.* In addition to the penalties provided in this chapter and Miami-Dade County Code Section 2-11.1 (s) and (v), violation of this section by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to the bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Village competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Village employee shall subject the employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report the violation to the State Attorney and, or, may file a complaint with the Ethics Commission.

(Ord. No. 02-27, § 1, 11-12-02)

MIAMI-DADE COUNTY (CITY OF NORTH MIAMI)

DIVISION 3. - LOBBYING

Sec. 2-400. - Definitions.

For the purposes of this division the following definition shall be effective:

Lobbyist shall refer to all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of: (1) Any ordinance, resolution, action or decision of any councilmember; (2) any action, decision, recommendation of any city board or committee; or (3) any action, decision or recommendation of any personnel defined in any manner above, during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city council, or a city board or committee. The term "lobbyist" specifically includes the principal as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-401. - Registration.

- (a) All lobbyists shall register with the city clerk within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall register on forms prepared by the city clerk; shall pay an annual registration fee of two hundred fifty dollars (\$250.00) and state under oath:
 - (1) His or her name;
 - (2) His or her business address;
 - (3) The name and business address of each person or entity which has employed the registrant to lobby;
 - (4) The councilmember or personnel sought to be lobbied; and
 - (5) The specific issue on which the lobbyist has been retained to lobby.
- (b) Any change to any information originally filed, or any additional city councilmember or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment(s).
- (c) The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (d) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust.
- (e) Separate registration shall be required for each principal represented on each specific issue. Each issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, a request for proposal, or a public hearing number.
- (f) The city clerk shall reject any registration statement which does not provide a description of the specific issue on which the lobbyist has been sought to lobby and/or the required payment of fee.
- (g) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. There shall be no fee required for filing a notice of withdrawal.

- (h) All lobbyists shall be required to register prior to October 1st of each year. In the event registration occurs after October 1st, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30th of each year.
- (i) In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, or professional relationship, or other relationship which gives rise to an appearance of an impropriety, with any current city councilmember or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (j) The registration fees required by this subsection shall be deposited by the city clerk into the general fund of the city.
- (k) The city clerk may waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant.
- (l) All lobbyists shall be in compliance with the applicable parts of F.S. § 112.3148.

(Ord. No. 1354, § 1, 3-26-13; Ord. No. 1360, § 1, 11-12-13; Ord. No. 1403, § 1, 9-13-16)

Sec. 2-402. - Registration not required for certain persons.

- (a) Any public officer, employee or appointee or any person or entity in contractual privity with the city that only appears in an official capacity, shall not be required to register as a lobbyist.
- (b) Any person who only appears in an individual capacity at a public hearing before the city council, planning commission, board of adjustment or other board or committee and has no other communication with the personnel defined in section 2-400 above, for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner, neighborhood or business associations. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-403. - Sign-in logs.

In addition to the registration requirements addressed above, all city departments including the offices of the mayor and city council, the offices of the city attorney, city manager and city clerk shall maintain signed "sign-in" logs for all non-city employees or personnel for registration when they meet with any personnel as defined in section 2-400 above.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-404. - Publication of logs by city clerk.

Commencing January 31st, 1999, and by January 31st of each year thereafter, the lobbyist shall submit to the city clerk a signed statement under oath listing all lobbying expenditures in the city for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period.

The clerk shall promulgate logs on a quarterly and annual basis reflecting the lobbyist registrations which have been filed.

All members of the city council, and all city personnel defined above, shall be diligent to ascertain whether persons required to register pursuant to this subsection have complied. Councilmembers or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this subsection to lobby the councilmember, or the relevant committee, board or city personnel.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-405. - Investigation of violations.

The city attorney and city manager shall jointly investigate any person engaged in lobbying activities who are reported to be in violation of this section. There shall be a report of the results of the investigation to the city council. Any alleged violator shall also receive the results of any investigation and shall have the opportunity to address the findings, if necessary, and submit any written material in defense to the city council. The city council may suspend or prohibit such person from lobbying before the council or any committee, board or personnel of the city.

(Ord. No. 1354, § 1, 3-26-13)

Secs. 2-406—2-414. - Reserved.

MIAMI-DADE COUNTY (NORTH MIAMI BEACH)

2-78 - LOBBYING.

1. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the City for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any elected official or City Council; (b) any action, decision, recommendation, any city board or committee, including but not limited to Quasi-Judicial, Advisory Board, Trust, Authority, or Council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person that has employed or retained the services of a lobbyist.

2. Registration and Reporting Requirements. All lobbyists shall, before engaging in lobbying activities, register with the City Clerk. Every person required to so register shall:
 - (a) Register on a form prepared by the City Clerk;
 - (b) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the City of North Miami Beach; all principals must file a form with the City Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal; and
 - (c) Pay the annual registration fee of two hundred fifty (\$250.00) dollars for each lobbyist, plus an additional fee of one hundred twenty-five (\$125.00) dollars for each principal represented for each issue lobbied on behalf of any principal. The Registration Fees required by this section shall be deposited by the City Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds shall be transferred to the City's general revenue at the end of each fiscal year. The City Council may in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

Any change to any information originally filed shall require that he/she file an amendment to the registration forms. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

3. The following persons shall be required to register but will be exempt from paying the registration fee:
 - (a) A person(s) appearing before the Council, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers association, a civic or homeowners' association, a public interest group or a chamber of commerce.

- (b) Any non-profit community based organization seeking grant services and/or grant funding from the City.
4. Exceptions to Registration. The following shall not be required to register under this section:
- (a) Any public official or city staff discussing matters relevant to their official duties;
 - (b) Any person (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;
 - (c) Any person who must appear or is requested to appear before the city council, city board, committee, or any member thereof, or the city manager or city staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person;
 - (d) Any person under contract with the City who communicates with any public official or city staff regarding issues related only to the performance of their services under contract;
 - (e) Any person who has been designated and is so recognized by the City as a representative of a collective bargaining unit composed of City employees; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bonafide news media; a person who merely appears before, the Mayor, City Council, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation;
 - (f) Non-bid vendors making initial "sales" presentations to City administration.
5. Expenditures Prohibited. Except as expressly allowed by state law, all non-nominal expenditures, as defined herein, are prohibited.
6. Reporting Requirements. A lobbyist shall annually submit to the city clerk's office a signed statement under oath listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures, entitled " Annual Expenditures Report" shall be due on February 1st of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no expenditures during the preceding calendar year.
- The City Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection. These forms and filings shall be available through the City's website.
7. Notification of Failure to Register. Once the Office of the City Clerk has been notified of a failure to comply with registration requirements, he may administratively collect a one hundred (\$100.00) dollar late registration fee and register the lobbyist. If any further action is deemed necessary, as determined by the Mayor and Council, they may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a city board, a city committee, or members thereof, for a period not to exceed two (2) years. The City Clerk shall submit a report to the City Council as to those lobbyists who have failed to comply with the registration requirements and/or the annual filing requirements.
8. Lobbyists shall comply with all County, State, and Federal laws.

(Ord. No. 2008-5 § 1, 11-4-08; Ord. No. 2008-18 § 1, 11-4-08; [Ord. No. 2013-21, § 1, 12-3-13](#))

MIAMI-DADE COUNTY (CITY OF OPA-LOCKA)

Sec. 2-18. - Lobbying.

- (a) As used in this section, "city personnel" means those city officers and employees specified in section 2-12 of the City of Opa-locka Code of Ethics; Conflict of Interest Ordinance.
- (b) "Lobbyist" means all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the city commission; (2) any action, decision, recommendation of any city board or committee; or (3) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee. Lobbyist specifically includes the principal, as described above, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee.
- (c) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to so register shall (a) register on forms prepared by the city clerk, (b) pay a registration fee of three hundred dollars (\$300.00) and (c) state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issues on which he or she has been employed to lobby. If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five per cent (5%) or more ownership interest in such corporation, partnership, or trust. Separate registration shall be required for each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description (where applicable) of a pending request for a proposal, invitation to bid, public hearing number, etc. The city clerk shall reject any registration statement which does not provide a description of the specific issue on which such lobbyist has been employed to lobby. Registration of all lobbyists shall be required prior to October 1 of every year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the city clerk into a separate account and shall be expended only to cover the costs incurred in administering the provisions hereof. There shall be no fee required for filing a notice of withdrawal and the city commission may, in its discretion, waive the registration fee upon a finding of financial hardship.
- (d) Any public officer, employee or appointed who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (e) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.
- (f) Any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood association, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the city clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.
- (g) Lobbyists shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period.
- (h) The city clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section 2-18 and such information shall be included within Commission meeting material.

- (i) The city shall investigate any person engaged in lobbying activities to the city commission on a standard form. The city attorney shall report the results of the investigation to the city commission. The city commission may reprimand, censure, suspend or prohibit each person from lobbying before the city commission or any committee, board or personnel of the city; suspension or prohibition may not exceed a period of two (2) years. Notwithstanding any other provision of the Conflict of Interest and Code of Ethics Ordinance, or the City of Opa-locka Code of Ordinances, the penalties provided in this paragraph shall be the exclusive penalties imposed for violations of this section 2-18.
- (j) All members of the city commission, and all city personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Commissioners or city personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the commissioners, or the relevant committee, board or city personnel.
- (k) The validity of any action or determination of the city commission or city personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

(Ord. No. 09-01, § 2, 1-14-09)

MIAMI-DADE COUNTY (CITY OF PALMETTO BAY)

Section 7.6. - Lobbyists.

- (A) No person or firm who directly or through a member of the person's immediate family or through a political action committee or through any other person makes a contribution to a candidate who is elected Mayor, Vice-Mayor or Council member, shall be permitted to lobby on behalf of another, any elected official, employee or appointed board or committee member for a period of four (4) years following the swearing in of the subject elected official.
- (B) The Village Council shall pass, maintain and enforce an ordinance, which requires all lobbyists as may be defined by the Miami-Dade County Code and/or as may be made more stringent by the Village Council to:
 - (1) Register with the Village Clerk prior to lobbying any Village government official, i.e.: Village Council member, employee, board or committee member.
 - (2) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity.
 - (3) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities.
 - (4) Disclose in writing all Village government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any Village government officials or on their behalf.
 - (5) Direct the Village Clerk to disseminate to the Village Council, prior to any public hearing, on the event or matter for which such lobbyist may appear all disclosures required herein or as otherwise required by State or County law.

Any violation of this section shall render the issue being lobbied voidable.

Sec. 2-137. - Lobbying.

- (a) As used in this section "*lobbyist*" means all employees, persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of:
 - (1) Any ordinance, resolution, action or decision of the village council;
 - (2) Any action, decision, recommendation of any village manager, village board or committee; or
 - (3) Any action, decision or recommendation of village personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the village council, or a village board or committee.
- (b) *Defining lobbying and exemptions.*
 - (1) The term "lobbyist" shall be defined to specifically include the principal as well as any employee whose normal scope of employment includes lobbying activities. To be clear, a corporation speaking through its principal shareholder or officer is considered a lobbyist. Lobbying is prohibited if a person is not properly registered whether it be a face-to-face meeting, a telephone conversation or an email exchange. Simply gathering information is not lobbying. Individuals performing routine administrative functions for a client are not lobbyists.
 - (2) The term "lobbyist" specifically excludes the following persons:
 - i. Lobbyists hired by the village who are to communicate with village personnel in the course of performing under their contracts;
 - ii. Attorneys or other representatives retained or employed solely for the purpose of represent individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications;

- iii. Expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support of or opposition to any item;
 - iv. Employees of a principal whose normal scope of employment does not include lobbying activities; and
 - v. Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (3) All lobbyists shall register with the village clerk within five business days of being retained as a lobbyist, or before engaging in any lobbying activities, whichever shall come first. Every person required to register shall:
- i. Register on forms prepared by the village clerk;
 - ii. State under oath his or her name, business address and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in the corporation, partnership, or trust. After initial registration, the lobbyist shall annual[ly] re-register prior to January 15th of the applicable year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be \$490.00.
- (4) In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection 2-122(1). The registration fees required by this section shall be deposited by the village clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal and the village council may, in its discretion, waive the registration fee upon a finding of financial hardship.
- (5) Prior to conducting any lobbying, all principals must file a form with the village clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the village clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.
- (6) Every lobbyist shall sign-in with the village clerk each time he or she meets with village personnel at a village facility, or shall deliver a memorandum of meeting to the village clerk within 24 hours of meeting with village personnel at another location, and shall inform the village clerk, in writing, of the: (i) name of the lobbyist; (ii) the village personnel; (iii) the time and place of the meeting; and (iv) the issue to be discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.
- (c) Any person who appears as a representative for an individual or firm for an oral presentation before a village certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the village all individuals who may make a presentation. The affidavit shall be filed by staff with the village clerk's office at the time the proposal is submitted. For the purpose of this section only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the village clerk's office and has paid all applicable fees.
- (d) *Financial disclosure filing as to expenditures.*

- (1) By July 1st of each year, the lobbyist shall submit to the village clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall not be required to be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.
 - (2) The village clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$15.00 per day shall be assessed for reports filed after the due date. Where a fine of per day is assessed, the Miami-Dade County Commission on Ethics and Public Trust shall not impose an additional fine as provided in Section 2-11.1(u) of the [Miami-Dade] County Code. Any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Miami-Dade County Commission on Ethics.
 - (3) The village clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and, or, pay the assessed fines after notification.
 - (4) A lobbyist or principal may appeal a fine and may request a hearing before the Miami-Dade County Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade County Commission on Ethics within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown.
- (e) The village clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. § 11.045.
- (f) *Investigation and violations of lobbying code.*
- (1) A lobbyist that is found to have violated this code shall be prohibited from lobbying the council, committee, or board on that subject and shall be subject to a \$500.00 fine.
 - (2) The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the village council or any committee, board or personnel of the village on the subject that resulted in a finding of a violation, and be subject to the penalties set forth in this chapter.
 - (3) Additionally, every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 - First violation for a period of 90 days from the date of determination of violation;
 - Second violation for a period of one year from the date of determination of violation;
 - Third violation for a period of five years from the date of determination of violation.
- (g) A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing the bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The village manager shall include the provisions of this section in all village bid documents,

RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

- (h) All members of the village council, and all village personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Village council members or village personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the village council members, or committee, board or village personnel.
- (i) Except as otherwise provided in subsection (f), above, the validity of any action or determination of the village council members or village personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection.
- (j) Commencing on the effective date of this section, and by July 1, of every year thereafter, each lobbyist shall disclose the terms and amount of compensation paid by each principal to the lobbyist. The principal shall also disclose the terms and amount of compensation paid to every lobbyist retained or employed by the principal. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist. No lobbyist may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit paid or promised as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of:
 - (1) Any ordinance, resolution, action or decision of the village council;
 - (2) Any action, decision or recommendation of any village manager, village board or committee; or
 - (3) Any action, decision or recommendation of village personnel during the time period of the entire decision-making process regarding the action, decision or recommendation which foreseeably will be heard or reviewed by the village council, or a village board or committee.

(Ord. No. 06-01, § 1(.17), 1-9-2006; Ord. No. 2012-10, § 1, 4-2-2012)

Sec. 2-138. - Cone of silence.

- (a) Contracts for the provision of goods and services.
 - (1) *Cone of silence* is hereby defined to mean a prohibition on:
 - a. Any communication regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the village's professional staff including, but not limited to, the village manager and his or her staff;
 - b. Any communication regarding a particular RFP, RFQ, or bid between the mayor or village council members and any member of the village's professional staff including, but not limited to, the village manager and his or her staff;
 - c. Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;
 - d. Any communication regarding a particular RFP, RFQ or bid between the mayor, village council members and any member of the selection committee;
 - e. Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the mayor or village council members; and
 - f. Any communication regarding a particular RFP, RFQ or bid between any member of the village's professional staff and any member of the selection committee. The village manager and the chairperson of the selection committee may communicate about a particular selection committee recommendation, but only after the committee has submitted an award recommendation to the village manager and provided that should any

change occur in the committee recommendation, the content of the communication and of the corresponding change shall be described in writing and filed by the village manager with the village clerk and be included in any recommendation memorandum submitted by the village manager to the village council.

Notwithstanding the foregoing, the cone of silence shall not apply to:

- a. Communications with the village attorney and his or her staff;
- b. Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the village manager makes his or her written recommendation;
- c. Any emergency procurement of goods or services;
- d. Communication regarding a particular RFP, RFQ or bid between any person and the contracting officer responsible for administering the procurement process for the RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.

(2) *Procedure.*

- a. A cone of silence shall be imposed upon each RFP, RFQ and bid after the advertisement of the RFP, RFQ or bid. At the time of imposition of the cone of silence, the village manager or his or her designee shall provide for public notice of the cone of silence. The village manager shall issue a written notice to the affected departments, file a copy of the notice with the village clerk, with a copy to the mayor and each village council member, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this article. Notwithstanding any other provision of this section, the imposition of a cone of silence on a particular RFP, RFQ or bid shall not preclude staff from obtaining industry comment or performing market research, provided all communications related thereto between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the village's professional staff including, but not limited to, the village manager and his or her staff, are in writing or are made at a duly noticed public meeting.
- b. The cone of silence shall terminate at the time the village manager makes his or her written recommendation to the village council; provided, however, that if the village council refers the village manager's recommendation back to the village manager or staff for further review, the cone of silence shall be re-imposed until the time as the village manager makes a subsequent written recommendation.

(3) *Exceptions.* The provisions of this article shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the village council during any duly noticed public meeting or communications in writing at any time with any village employee, official or member of the village council unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the village clerk. The village clerk shall make copies available to any person upon request.

(b) *Penalties.* In addition to the penalties provided in this chapter and Miami-Dade County Code Sections 2-11.1(s) and (v), violation of this section by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to the bidder or proposer voidable. A violation of section 2-155 may render the public hearing item voidable and a \$500.00 penalty to the applicant. The village council shall hold an evidentiary hearing to determine whether a violation of section 2-155 has taken place, whether a penalty shall issue, and/or whether the public hearing item should be voided. Any person who violates a provision of this article shall be prohibited from serving on a village competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this article by a village employee shall subject the employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this

article shall report the violation to the State Attorney and, or, may file a complaint with the Miami-Dade County Commission on Ethics.

(Ord. No. 06-01, § 1(.18), 1-9-2006; Ord. No. 07-06, § 1(.18), 3-5-2007)

MIAMI-DADE COUNTY (CITY OF SOUTH MIAMI)

Sec. 8A-5. - Lobbyists; registration, reporting, fees, exemptions, expenditures, and penalties.

- (a) This section shall be known as the City of South Miami Lobbyist Registration Ordinance.
- (b) Definitions. For the purposes of this section, the following terms shall have the definitions contained herein:
 - (1) *Lobbyist*. The city hereby adopts, by reference, the definition of a lobbyist as found in the Miami-Dade County lobbying ordinance, Section 2-11.1(s)(1)(b) of the Miami-Dade County Code of Ordinances and the interpretations of this section as applied in practice by Miami-Dade County and the Miami Dade Commission on Ethics.
 - (2) *Principal* means the natural person, firm, company or other entity that has employed or retained a lobbyist, including the person employed by the company or other entity, that has the authority to retain or direct a lobbyist on their behalf.
 - (3) All lobbyists shall comply with this section and the Miami-Dade County Lobbying Ordinance as they are amended from time to time. All references to the "county" in the county's Lobbying Ordinance shall mean the city, where applicable, for the purpose of this section and for the interpretation and application of the county's Lobbying Ordinance to the city.
- (c) (1) Registration and filing requirements. All lobbyists shall, at least on or before 3:00 p.m. on the day of and before engaging in any lobbying activities, register with the city clerk, unless exempted from registering by Section 2-11.1(s)(3) of the Miami-Dade County Code and pay a lobbyist fee, if required. A lobbyist who has engaged in lobbying activities before timely registering as a lobbyist shall pay a fine of five hundred dollars (\$500.00). It shall be the responsibility of the city clerk to collect all fines and fees. A lobbyist who, without compensation for performing the services of a lobbyist, is representing an individual for non-commercial purposes (hereinafter referred to as a "limited lobbyist") shall include such information in the lobbyist registration form which shall be signed under oath certifying the truth of the information. No registration fee shall be required for a limited lobbyist. In addition, any lobbyist who would not be required by Miami-Dade County to pay a lobbyist registration fee if engaged in lobbying activities with the county shall not be required to pay a lobbyist registration fee when engaged in lobbying activities with the city.
 - i. Registration publication. All lobbyist registration forms shall be date stamped by the city clerk. The clerk's office shall maintain a list of all registration and of the payment of the registration fee. The Clerk shall publish on the city website a registration list of principals, issues and lobbyists which shall be updated at the end of each day, to the extent possible, that a completed or amended registration form is received.
 - ii. Every person required to register shall register on forms prepared by the city clerk and, other than those lobbyists who are exempt from paying a fee, shall pay a registration fee as specified in this ordinance or the city's fee schedule, whichever is greater. The forms shall include the following information, which shall be certified under oath by the lobbyist and the principal whom the lobbyist represents, such as its president, partner or managing member:
 - a. Name and business address of lobbyist;
 - b. Name and business address of the principal;
 - c. Reserved;
 - d. Whether commissioners, city administration, city attorney or city clerk will be lobbied; and
 - e. The specific issue on which the lobbyist has been employed to lobby.

- iii. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in Section 2-11.1 (s)(7) of the Miami-Dade County Code of Ordinances. Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor.
 - (2) Change or modification of information. Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require the lobbyist to file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
 - (3) Disclosure. If the lobbyist represents a legal entity such as a corporation, company, partnership or trust, the chief officer, partner or beneficiary shall also be identified.
 - (4) Fee requirements for issues. An additional one hundred dollar (\$100.00) fee shall be required for each additional specific issue being lobbied for a Principal. A separate fee shall be required for each separate issue for the same Principal for each calendar fiscal year. The city clerk, in the clerk's judgment, shall reject any registration statement that does not provide a description of the specific issue on which the lobbyist has been employed.
 - (5) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. Each principal shall file a form with the clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.
 - (6) Fees. Each lobbyist who is required to pay a registration fee, shall pay such fee each time he or she registers or re-registers each calendar year with the city clerk. A lobbyist must re-register every calendar year before commencing any lobbying activities. There shall be no fee required for filing a notice of withdrawal. The city clerk shall waive the registration fee upon a finding of financial hardship if supported by a sworn statement of the applicant. Any person who only appears as a representative of a nonprofit corporation or entity who declared in their lobbyist registration application that they would not receive and have not received any compensation or reimbursement for the appearance to express support or opposition to any item, must register but shall not be required to pay a registration fee.
 - (7) Disclosure and appearance of impropriety. In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, professional, or other relationship with the mayor, any city commissioner, or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
 - (8) All members of the city commission, and all city personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or city personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the commissioner, or the relevant committee, board or city personnel.
 - (9) Any person who appears as a representative for an individual or firm for an oral presentation before a city certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the city staff, all individuals who may make a presentation. The affidavit shall be filed by staff with the clerk's office at the time the committee's proposal is submitted to the city manager. For the purpose of this subsection only, the listed members of the presentation team, with the exception of any person otherwise required to register as a lobbyist, shall not be required to pay any registration fees. No person shall appear before any committee on behalf of anyone unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the clerk's office as a lobbyist and has paid all applicable lobbyist registration fees.
- (d) *List of expenditures.*
- (1) On October 1 of each year, lobbyists shall submit to the city clerk a signed statement under oath, as provided by the clerk, listing all lobbying expenditures for the preceding calendar year.

A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events and shall identify the city officials, personnel, and members upon whom the expenditures were made.

- (2) The city clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed under this chapter, a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the October 1 due date.
 - (3) The city clerk shall notify the county commission on ethics and public trust of the failure of a lobbyist to file a report and/or pay the assessed fines after notification.
 - (4) A lobbyist may appeal a fine and may request a hearing before the county commission on ethics and public trust. A request for a hearing on the fine must be filed with the county commission on ethics and public trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The county commission on ethics and public trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.
- (e) *Exceptions to registration.* All persons who are exempted from registration or from paying a registration fee by the Miami-Dade County's Lobbying Ordinance are likewise exempted by the city from registration and/or from the payment of registration fees.
- (f) *Penalties.*
- (1) Violations of this section may be determined by the Miami-Dade County Commission on ethics and public trust. A finding by the commission that a person has violated this chapter shall subject the person to a five hundred dollars (\$500.00) civil penalty. The commission on ethics may additionally provide other penalties such as admonition and public reprimand, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city. Conviction for given false information shall be punishable by a fine of up to five hundred dollars (\$500.00), imprisonment for up to sixty (60) days and suspension from lobbying privileges in South Miami for a period of up to two (2) years.
 - (2) Additionally, every person who is found to be in violation of this chapter shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 - First violation: for a period of one (1) year from the date of determination of violation;
 - Second violation: for a period of two (2) years from the date of determination of violation;
 - Third violation: for a period of three (3) years from the date of determination of violation.
- The city commission may debar a bidder or proposer from lobbying activities in the city, and from entering into contracts with the city, or any agency or authority of the city when the bidder or proposer either directly or indirectly, on three or more occasions, has been found to have violated the lobbyist provisions of this section.
- As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall render the contract voidable. The city manager shall include the provisions of this section in all city bid documents, RFPs and RFQs; provided, however, that failure to do so shall not render any contract voidable.
- (3) Except as otherwise provided in subsection (f)(1), the validity of any action or determination of the city commission, board, committee, or agency shall not be affected by the failure of any person to comply with the provisions of this section.
- (g) *Prohibition on appointment of lobbyists to boards and committees.* No person who is required to register with the city clerk as a lobbyist shall serve on any board or committee of the city. Any person

who is required to register as a lobbyist subsequent to being appointed to a board or committee shall be disqualified from participating on the board or committee from the date that the person knew, or reasonably should have known, that he or she was required to register. No person shall be appointed to a board or committee for a period of nine (9) months from the time the person files a statement with the city clerk withdrawing his or her registration as a lobbyist. The penalty provisions of subsection (f) shall apply to any lobbyist who violates this prohibition.

(Ord. No. 1251, §§ 1—6, 6-3-86; Ord. No. 1712, § 1, 4-11-00; Ord. No. 1722, § 1, 9-19-00; Ord. No. 1876, § 1, 2-7-06; Ord. No. 2153, §§ 1, 2, 2-5-13; Ord. No. 2206, § 1, 12-17-14)

Editor's note— Although § 9 of Ord. No. 1251, adopted June 3, 1986, specified inclusion in ch. 2, the editor has included the provisions in § 8A-5 since § 7 of the ordinance repealed Ord. No. 1233, adopted June 14, 1985, §§ 1, 2 of which had been included as § 8A-5.

MIAMI-DADE COUNTY (CITY OF SUNNY ISLES BEACH)

§ 33-2. - Lobbying.

[Adopted 7-20-2006 by Ord. No. 2006-260 ¹]

A. Designation. This section shall be designated and known as the "Lobbyist Registration Ordinance." This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of the City of Sunny Isles Beach Lobbyist Ordinance shall be applied in a cumulative manner.

B. Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

CITY PERSONNEL — Those City officers and employees specified to include the Mayor and City Commissioners, City Board or City Committee Members, and all City employees.

LOBBYIST — All persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of: (1) any ordinance, resolution, action or decision of the City Commission; (2) any action, decision, recommendation of a City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a City board or committee. "Lobbyist" specifically includes a principal who has not employed a lobbyist registered with the City Clerk as well as an agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes a principal who has employed a lobbyist registered with the City Clerk or any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item, who shall register with the City Clerk as required by this section but, upon request, shall not be required to pay any registration fees.

PRINCIPAL — All persons, firms, or corporations who employ a lobbyist.

C. Lobbyist registration, fees, renewal and withdrawal.

(1) All lobbyists shall register with the City Clerk before engaging in any lobbying activities in the City. Every person required to register as a lobbyist shall:

(a) Register as a lobbyist.

[1] Complete the annual lobbyist registration form, as prepared by the City Clerk, stating under oath his or her name, business address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.

[2] Pay an annual lobbyist registration fee of \$250.

(b) Register and disclose terms for each principal represented.

[1] Complete the annual principal registration form, as prepared by the City Clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is

authorized to represent him/her/it, together with a disclosure of the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any bonuses, success fees, or other consideration shall be received for such lobbying activities. In the alternative, such lobbyist shall submit to the Clerk a joint affidavit, signed by the lobbyist and his/her principal, disclosing the terms and amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.

[2] Pay an annual principal registration fee of \$100.00.

[3] However, if multiple lobbyists from the same firm represent the same principal, only one registration and applicable fee are required to be filed for that principal. Any lobbyist from the same firm may submit the necessary documents.

(c) File a lobbyist expenditure report.

[1] By January 15 of each year, all lobbyists shall submit to the City Clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and City personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the City Clerk.

[2] The City Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Special Master of the City of Sunny Isles Beach.

[3] A lobbyist or principal may appeal a fine and may request a hearing before the Special Master for the City of Sunny Isles Beach. A request for hearing on the fine must be filed with the Special Master within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

(d) File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.

(2) All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the City Clerk.

D. Expiration of lobbyist and principal registrations. All lobbyist and principal registrations expire December 31 of each year.

E. Processing of registration fees. The registration fees required by this section shall be deposited by the City Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the City Commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.

F. Change in lobbyist information. Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports. Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly

stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

- G. Creation of a lobbyist log. The City Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to § 11.045, Florida Statutes.
- H. City Clerk to publish information. The City Clerk shall publish to the City Commission, City appointed boards or committees, City Manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the City Clerk that is required pursuant to state and county law. The information shall be disseminated by the City Clerk prior to City Commission meetings and public hearings.
- I. City sign-in sheet. Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with City personnel at a City facility, or shall deliver a memorandum of said meeting to the City Clerk within 24 hours of meeting with City personnel at any other location, and shall inform the City Clerk, in writing, of: (1) the name of the lobbyist or the principal of the local business; (2) the City personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to, a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.
- J. Penalties for violation.
 - (1) The City Clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
 - (2) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.
 - (3) The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the City Commission or any committee, board or personnel of the City as provided herein.
 - (a) Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 - [1] First violation: For a period of 90 days from the date of determination of violation.
 - [2] Second violation: For a period of one year from the date of determination of violation.
 - [3] Third violation: For a period of five years from the date of determination of violation.
 - (b) As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The City Manager shall include the provisions of this subsection in all City bid documents, RFP, RFO, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.
 - (4) A contract entered into in violation of this section shall also render the contract voidable. The City Manager shall include the provisions of this section in all City bid documents, RFP, RFO,

and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

- (5) All members of the City Commission, and all City personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City Commission members or City personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the City Commission members, or City appointed committee or board or City personnel.
- K. Lobbyist contingency fees prohibited. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the City Commission; (2) any action, decision or recommendation of the City Manager or any City appointed board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a City appointed board or committee.
- L. Conflict provision. It is acknowledged that § 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the County Code, this section shall control.

(Ord. No. 2011-376, § 2, 11-17-2011)

Footnotes:

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1. Editor's Note: This ordinance also repealed former § 33-2, Lobbying, the provisions of which were adopted 8-13-1998 by Ord. No. 98-44; 7-17-2003 by Ord. No. 2003-175; and 4-15-2004 by Ord. No. 2004-195.

MIAMI-DADE COUNTY (CITY OF SURFSIDE)

Sec. 2-235. - Lobbying.

This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of this section shall be applied in a cumulative manner.

(1) *Definitions.* For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

- a. *Town personnel.* Those town officers and employees specified to include the mayor and town commissioners, town board or town committee members, and all town employees.
- b. *Lobbyist.* All persons, attorneys, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the town commission; (2) any action, decision, recommendation of a town board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town board or committee. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.
- c. *Principal.* All persons, firms, or corporations who employ a lobbyist.

(2) *Lobbyist registration, fees, renewal and withdrawal.*

- a. All lobbyists shall register with the town clerk before engaging in any lobbying activities in the town. Every person required to register as a lobbyist shall:
 - i. Register as a lobbyist.
 1. Complete the annual lobbyist registration form, as prepared by the town clerk, stating under oath his or her name, business address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified.
 2. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.
 - ii. Pay an annual lobbyist registration fee of \$250.00.
 - iii. Register and disclose terms for each principal represented.
 1. Complete the annual principal registration form, as prepared by the town clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath, his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is authorized to represent him/her/it, together with a disclosure of the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any bonuses, success fees, or other

consideration shall be received for such lobbying activities. In the alternative, such lobbyist shall submit to the town clerk a joint affidavit, sign by the lobbyist and his/her principal, disclosing the terms amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.

2. Pay an annual principal registration fee of \$100.00.
 3. If multiple lobbyists from the same firm represent the same principal, then only one principal registration form and principal registration fee of \$100.00 is required to be filed for that principal. All lobbyists from the same firm who represent the same principal must file a separate lobbyist registration form and a lobbyist registration fee of \$250.00. All lobbyist are required to file an expenditure report as outline below in 2 (a) (iv). Any lobbyist from the same firm may submit all the necessary documents to the Town Clerk on behalf of the firm.
- iv File a lobbyist expenditure report.
1. By January 15 of each year, all lobbyists shall submit to the town clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and town personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the town clerk.
 2. The town clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the special master of the Town of Surfside.
 3. A lobbyist or principal may appeal a fine and may request a hearing before the special master for the Town of Surfside. A request for hearing on the fine must be filed with the special master within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.
- v. File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.
- b. All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the town clerk. Such forms may be amended from time to time administratively.
- (3) *Expiration of lobbyist and principal registrations.* All lobbyist and principal registrations expire December 31 of each year.
 - (4) *Processing of registration fees.* The registration fees required by this section shall be deposited by the town clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the town commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.
 - (5) *Change in lobbyist information.* Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports.

Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

- (6) *Creation of a lobbyist log.* The town clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. § 11.045.
- (7) *Town clerk to publish information.* The town clerk shall publish to the town commission, town appointed boards or committees, town manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the town clerk that is required pursuant to state and county law. The information shall be disseminated by the town clerk prior to town commission meetings and public hearings.
- (8) *Town sign-in sheet.* Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with town personnel at a town facility, or shall deliver a memorandum of said meeting to the town clerk within 24 hours of meeting with town personnel at any other location, and shall inform the town clerk, in writing, of (1) the name of the lobbyist or the principal of the local business; (2) the town personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.
- (9) *Penalties for violation.*
 - a. The town clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
 - b. A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.
 - c. The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the town commission or any committee, board or personnel of the town as provided herein.
 - i. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 1. *First violation:* For a period of 90 days from the date of determination of violation.
 2. *Second violation:* For a period of one year from the date of determination of violation.
 3. *Third violation:* For a period of five years from the date of determination of violation.
 - ii. As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.
 - d. A contract entered into in violation of this section shall also render the contract voidable. The town manager shall include the provisions of this section in all town bid documents,

RFP, RFQ, and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

- e. All members of the town commission, and all town personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Town commission members or town personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the town commission members, or town appointed committee or board or town personnel.
- (10) *Lobbyist contingency fees prohibited.* No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the town commission; (2) any action, decision or recommendation of the town manager or any town appointed board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town appointed board or committee.
- (11) *Conflict provision.* It is acknowledged that Section 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the county code, this section shall control.

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 13-1599, § 2, 1-15-13; Ord. No. 1628, § 2, 12-9-14)

MIAMI-DADE COUNTY (CITY OF SWEETWATER)

Sec. 2-444. - Registration of lobbyist.

- (a) All lobbyists shall register with the city clerk within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:
 - (1) Register on forms prepared by the clerk;
 - (2) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be \$250.00. Every registrant shall be required to state the extent of any business or professional relationship with the mayor and members of the city commissioners duly constituted from time to time in subsection (b)(1). The registration fees required by this subsection shall be deposited by the clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the city may, in its discretion, waive the registration fee upon a finding of financial hardship.
 - (3) Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principle to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principle shall file a form with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.
- (b) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (c) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.
- (d) Any person who appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the city clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(Ord. No. 3184, § 5, 8-1-2005)

ORANGE COUNTY

ARTICLE X. - LOBBYING ACTIVITIES

Sec. 2-351. - Definitions.

- (a) *Black-out period* means the period between (1) the time the invitation for bid or the request for proposal or for information, as applicable, is issued or promulgated and (2) the time the board selects the successful bidder or proposer.
 - (b) *Board* means the Orange County Board of County Commissioners.
 - (c) *Compensation* means fees, retainer, contract payments, salary, wages, any other payment of money, or any other consideration of any kind, either monetary or nonmonetary. Compensation does not include direct reimbursement of actual out-of-pocket expenses.
 - (d) *County* means Orange County, Florida.
 - (e) *County mayor* means the Orange County Mayor.
 - (f) *Development permit* means the same as this term is defined in F.S. § 163.3164.
 - (g) *Expenditure* means the same as this term is defined in F.S. § 112.3215.
 - (h) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal, or an employee of a principal only when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.
 - (i) *Lobbying* means:
 - (1) To communicate or the act of communicating directly with the county mayor, with any other member of the board, or with any member of a procurement committee; or
 - (2) To communicate indirectly with the county mayor or any other member of the board by communicating with any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county department director, or any county division manager.
- In either case, lobbying seeks to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any ordinance, resolution, agreement, development permit, other type of permit, franchise, vendor, consultant, contractor, recommendation, decision or other foreseeable action of the board. Lobbying shall include all such communications, regardless of whether initiated by the lobbyist or by the person being lobbied and regardless of whether oral, written or electronic.
- (j) *Ministerial item* means an item presented to the board requiring a mandatory act or duty admitting of no personal discretion or judgment in its performance.
 - (k) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist. For purposes of filing the specific project expenditure report, described at subsection 2-354(b) of this Code, this term shall also include those persons, partnerships, joint ventures, trusts, associations, corporations, limited liability corporations, or other entities where they or their employees do not qualify as a lobbyist under the definition set forth in this chapter but do perform lobbying activities on behalf of a business in which they have a personal interest but shall not include any governmental entity.
 - (l) *Procurement committee* means the committee established pursuant to section 9.01.13 of the county's administrative regulations (or any successor regulation or ordinance) for purposes of

evaluating the competitive proposals submitted pursuant to a request for proposal, a request for information, or any other similar solicitation for a particular procurement matter.

- (m) *Procurement matter* means any specific procurement decision governed, in whole or in part, by article III of chapter 17.

(Ord. No. 94-22, § 1, 11-29-94; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-14](#), § 2, 7-8-08; Ord. No. [2008-20](#), § 1, 12-16-08)

Sec. 2-352. - Registration and re-registration of lobbyists.

- (a) All lobbyists shall register and reregister with the county at the times specified in this article and on the forms prescribed from time to time by the county mayor.
- (b) All lobbyists shall, at the time of initial registration and each annual registration, pay a registration fee of ten dollars (\$10.00). No lobbyist shall be required in any year to pay more than ten dollars (\$10.00) to register, regardless of the number of principals represented.
- (c) The forms prescribed from time to time by the county mayor for the registration and re-registration of lobbyists shall require, at a minimum, the following information:
- (1) The lobbyist's name and business address;
 - (2) The name and business address of each principal represented;
 - (3) The specific areas of the principal's governmental interest;
 - (4) Where the principal is a corporation, limited liability corporation, or association the name of the chief executive officer of the corporation or association;
 - (5) Where the principal is a general partnership or joint venture, the names of all partners;
 - (6) Where the principal is a limited partnership, the name of the general partner or partners;
 - (7) Where the principal is a trust, the names of all trustees and beneficiaries;
 - (8) Where the principal is a partnership, joint venture, corporation, association, trust or nongovernmental entity other than a natural person, the names of all natural persons holding, directly or indirectly, a five (5) percent or more ownership interest in the entity; and
 - (9) Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with the county mayor or any other member of the board, any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county division director, or any county department manager.
- (d) All lobbyists shall register and reregister prior to January 1 of each year, and registration forms shall be filed with the county department or office designated by the county mayor. If and when a lobbyist commences representation subsequent to January 1 of any year of any principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited. Each lobbyist who ceases lobbying for a particular principal shall file a written notice at the time of withdrawal.
- (e) Principals, or their respective employees, who do not qualify as a lobbyist under the definition set forth in this chapter, shall be exempt from the annual registration requirement.

(Ord. No. 94-22, § 2, 11-29-94; Ord. No. 98-03, § 1, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-14](#), § 2, 7-8-08)

Sec. 2-353. - Record of lobbying contacts.

All visitors and lobbyists, with the exception of county staff, shall sign the visitor logs, maintained and available in the office reception areas of the county mayor and the board, prior to meeting with the county mayor, a county commissioner, county administrator, or any of their respective staff. The visitor or lobbyist shall state his or her name; the name of each principal, if applicable, represented in the course of the particular contact; and the topic of the contact. The visitor logs shall be transmitted to the county attorney's office, on a periodic basis, and available for storage and public inspection in the county department or office designated by the county mayor. In the event that a lobbyist or principal engages in lobbying which is initiated outside of county offices, the lobbyist or principal shall provide the information required above to the county department or office designated by the county mayor within seven (7) calendar days of such lobbying contact.

(Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-14](#), § 2, 7-8-08)

Sec. 2-354. - Expenditure reports.

- (a) *Registered lobbyist annual expenditure reports.* On or before April 1 of each year, all registered lobbyists shall submit, to the appropriate county department, a lobbyist annual expenditure report for each principal represented during the previous year, signed under oath, listing all expenditures incurred by the lobbyist for that specific principal during the preceding calendar year for the purpose of lobbying. Such report shall be prepared and shall disclose such information as is prescribed in F.S. § 112.3215 for executive branch lobbyists, except that the lobbyist annual expenditure report shall be submitted only annually and shall pertain only to expenditures incurred by the lobbyist, not the principal.
- (b) *Specific project expenditure reports.*
 - (1) a. *Initial report.* Effective as to project applications and items submitted to or filed with the county after January 1, 2009, the principal or the principal's authorized agent (when accompanied by an agent authorization form on file with the county) shall submit to the appropriate county department one specific project expenditure report for all lobbying expenditures incurred by the principal and his or her authorized agent and his or her lobbyist, contractors, and consultants, if applicable, for any project or issue to be presented to the board unless the project or item is exempt. One cumulative specific project expenditure report for all lobbying expenditures incurred for a specific project or issue to be presented to the board, shall be prepared and signed by the principal or the principal's authorized agent, shall disclose such information as is prescribed in F.S. § 112.3215, and shall be submitted with all other required documentation associated with the specific project or issue.
 - b. *Professional fees.* Nothing included in section 2-354 of this Code is intended to require the disclosure of professional fees paid by the principal to its lobbyist for the purpose of lobbying.
 - c. *Exemptions.* The following items shall be exempt from the requirement for a specific project expenditure report:
 - 1. Ministerial items;
 - 2. Resolutions;
 - 3. Agreements in settlement of litigation matters in which the county is a party; and
 - 4. Ordinances initiated by county staff.
 - d. *Purchasing and procurement.* Effective January 1, 2009, one (1) specific project expenditure report shall be submitted to or filed with the county by a bidder, offerer, quoter or respondent or his/her agent (when accompanied by an agent authorization form on file with the county) for all lobbying expenditures incurred by the bidder, offerer, quoter or

respondent and his/her agent and his or her lobbyist, contractors, and consultants, if applicable, only for the following procurement matters:

1. Competitive sealed proposal, as described at section 17-311, Orange County Code; or
2. When filing a response to a request for a procurement of professional services, as governed by F.S. § 287.055 and described at subsection 17-312(f), Orange County Code, including but not limited to professional architectural, engineering, landscape architectural or land surveying services.

Where required, one (1) cumulative specific project expenditure report for all lobbying expenditures incurred for the specific procurement item to be presented to the board, shall:

- (i) Be prepared and signed by the bidder, offerer, quoter or respondent or his/her agent;
 - (ii) Disclose such information as is prescribed in F.S. § 112.3215; and
 - (iii) Be submitted to the county by the bidder, offerer, quoter or respondent or his/her agent.
- e. *Amendments to report.* The specific project expenditure report may be subsequently amended if necessary, shall remain cumulative, and shall be filed by the principal or the principal's authorized agent no less than seven (7) business days prior to the scheduled board meeting date with the department where the original application is filed. Any subsequent amendment shall be a continuing requirement of the principal or the principal's authorized agent.
- f. *Update following filing of amendments.* For those items scheduled for a public hearing, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the principal or the principal's authorized agent, during the scheduled board meeting on the project or issue, shall verbally inform the board that additional expenditures were incurred subsequent to the filing of the initial report and amendment thereto. For those items scheduled on the consent agenda, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the item shall be removed from the consent agenda for the upcoming BCC meeting.
- (2) The specific project expenditure report format shall be adopted separately by administrative regulation.

(Ord. No. 94-22, § 3, 11-29-94; Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-14](#), § 2, 7-8-08; Ord. No. [2008-20](#), § 2, 12-16-08)

Sec. 2-355. - Prohibition of lobbying in procurement matters.

Except as expressly set forth in subsections 17-313(g) and 17-313.1(f), during the black-out period, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, either (i) the mayor or his or her respective staff; (ii) any member of the board or their respective staff; or (iii) any county employee assigned to the procurement committee (if any).

(Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-14](#), § 2, 7-8-08)

Sec. 2-355.1. - Prohibition on campaign contributions in procurement matters.

During the black-out period, no lobbyist, principal, or other person may provide a contribution, as defined in F.S. § 106.011, on behalf of a competing party acting in a particular procurement matter, to either (i) the mayor or any member of the county commission or (ii) any candidate for mayor or county commission.

(Ord. No. [2008-13](#), § 2, 7-8-08)

Sec. 2-356. - Investigation of violations; penalties; validity of actions.

- (a) The county attorney or county administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration and expenditure reporting requirements of this article and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the board.
- (b) The board may warn, reprimand or censure the violator or may suspend or prohibit the violator from appearing on behalf of any principal before the board or any county advisory body or from otherwise lobbying for any principal in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this subsection shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this article. The failure or refusal of any lobbyist to comply with any order of the board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the county may pursue, including injunctive relief.
- (c)
 - (1) The board of county commissioners may void a contract entered into in connection with a procurement matter where the county mayor or his or her respective staff, one or more county commissioners or their respective staff, or a member of the pertinent procurement committee has been lobbied in violation of the black-out-period restrictions of section 2-355.
 - (2) The board of county commissioners may reject a bid or proposal or may void a contract entered into in connection with a procurement matter where the county mayor, one or more county commissioners, or a candidate for mayor or county commission has received a campaign contribution in violation of the restrictions provided at section 2-355.1.
- (d) Except as set forth in the voidable-contract provisions of subsection (c), the validity of any action taken by the board or any county officers or employees or advisory bodies shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 94-22, § 4, 11-29-94; Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. [2008-13](#), § 3, 7-8-08; Ord. No. [2008-14](#), § 2, 7-8-08)

Secs. 2-357—2-370. - Reserved.

ORANGE COUNTY (CITY OF ORLANDO)

ARTICLE XXIX. - LOBBYISTS

Sec. 2.191. - Definitions, Registration, and Reporting Requirements for Lobbyists; Penalties.

(1) *Definitions.*

Compensation means monetary consideration of any kind, either received or expected, including but not limited to, salary, payment, retainer, commission, consideration of any type, forbearance, forgiveness or any combination thereof. For purposes of this section, compensation shall only include something of monetary value.

Lobbying means any communication, written or oral, or any meeting or discussion by a Lobbyist with any member of City Council, Staff Decision Maker or board member wherein there is communicated, disclosed or discussed any matter which is or may be pending before City Council, Staff Decision Maker or the respective board in order to influence the action or inaction of the City Council, Staff Decision Maker or the respective board. The definition of lobbying includes appearances before City Council and boards but does not include the act of filing an application on behalf of or as authorized agent for another.

Lobbyist means any person who shall engage in lobbying as defined herein 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.

Staff Decision Makers means the following employees of the City of Orlando who have been delegated final decision making authority by ordinance to make decisions on behalf of the City, when they are acting within the scope of that final decision making authority: Appearance Review Officer, Building Official, Deputy Building Official, City Engineer, Fire Marshall, Historic Preservation Officer, Planning Official, Transportation Engineer, Vehicle for Hire Administrator and Zoning Official.

(2) *Prohibitions on Lobbying of Board Members.* Lobbying of the members of all City boards by Lobbyists shall be prohibited outside of open, posted public meetings; provided however, in advance of any City board meeting, Lobbyists may provide written documents and information to the Recording Secretary of any City Board for dissemination to all Board members. Lobbying at public meetings shall be subject to the registration and reporting requirements set forth in paragraphs 3 and 4 of this section.

The prohibitions and requirements in this Article are in addition to the City's Public Works and Office of Purchasing & Materials Management policies that prohibit proposers from any and all communication regarding the procurement process with Council members, selection committee members, and City staff until Final Award is made, except through the assigned staff member.

(3) *Registration.* All Lobbyists shall register at the time of lobbying or no later than the next City business day from the date of such lobbying. Such registration shall provide the Lobbyist's name and business address and the name and business address of the person, firm, corporation, principal or other entity providing compensation to the Lobbyist. Such registration shall be on forms provided by the City Clerk and maintained in the offices of the City Clerk for storage and public inspection. This registration requirement shall apply to all activity by Lobbyists whether it takes place in City offices or outside City offices.

(4) *Reporting.* A Lobbyist shall on or before February 1 and August 1 of each year submit to the City Clerk's office a signed statement, executed under oath, listing all lobbying expenditures involving City Council, Staff Decision Makers, and/or City boards for the preceding six month period (January—June, July—December), the source of the funds and an itemization of the amount expended for each member of City Council, Staff Decision Makers, and/or board member by each registered Lobbyist. Lobbyists who have incurred no City lobbying expenses during the preceding period shall not be required to file a report. It shall be the responsibility of the Lobbyist to obtain this form from the City Clerk's office. The City Clerk shall maintain such filings available and open for public inspection. Any Lobbyist required to file a report who fails to file on or before the due date for

the previous period, in addition to any other penalty provided for herein shall not be permitted to engage in any Lobbying activity until their reports are brought current.

- (5) *Exceptions.* The following categories of persons shall be exempt from the registration and reporting requirements set forth in paragraph 3 of this section.
- (A) Employees or representatives of any federal, state, county, municipal or independent authority discussing the business of their government or authority;
 - (B) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;
 - (C) Law enforcement personnel conducting an active investigation;
 - (D) Persons or representatives of organizations contacted by the City Council member when such contact is initiated by the member;
 - (E) A person who appears under compulsion or subpoena by the City Council, Board or staff member of a board;
 - (F) Any person in contractual privity with the City who appears only in his or her official contractual capacity in connection with the performance of the current contract.
- (6) *Violations/penalties.* Violation of any provision of this section shall be punishable as provided in section 1.08, Orlando City Code. Failure of any Lobbyist to comply with the provisions of this section shall not in any way effect the validity of any action taken by City Council or any City official.

(Ord. of 2-25-1991, Doc. #24611; Ord. of 12-19-1994, Doc. #28135; Ord. of 9-23-2002, § 1, Doc. #020923720)

PALM BEACH COUNTY

ARTICLE VIII. - LOBBYIST REGISTRATION^[23]

Footnotes:

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Editor's note— The amendments to Art. VIII, §§ 2-351—2-357, made by Ord. No. 2011-039, adopted Dec. 20, 2011, became effective on April 2, 2012.

Sec. 2-351. - Title and purpose.

- (a) This article may be cited as the "Palm Beach County Lobbyist Registration Ordinance."
- (b) The board of county commissioners of the county and the governing bodies of the municipalities located within the county hereby determine that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county and local governments for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence the county commissioners, members of the local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, county and municipal advisory board members, and county and municipal employees on matters within their official duties, be publicly and regularly disclosed. In accordance with Section 1.3 of the County Charter, this article shall not apply in any municipality that has adopted an ordinance in conflict governing the same subject matter.

(Ord. No. 03-018, § 1, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-352. - Definitions.

Unless expressly provided herein to the contrary, for purposes of this article, the following definitions will apply:

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Board will mean the board of county commissioners of Palm Beach County, Florida.

County commissioner will mean any member of the board of county commissioners of Palm Beach County, Florida.

Central lobbyist registration site will mean the official location for countywide lobbyist registration.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various

relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include:

- (1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
- (2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities. Inc. lobbying on behalf of that entity.

Local municipal governing body will mean the councils and commissions of the municipalities located within Palm Beach County, Florida.

Member of local municipal governing body will mean any member of the municipal council or commission.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

(Ord. No. 03-018, § 2, 5-20-03; Ord. No. 03-055, Pt. I, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-353. - Registration and expenditures.

- (a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "central lobbyist registration site." The

registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. Each lobbyist is required to submit a separate registration for each principal represented. A registration fee of twenty-five dollars (\$25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.

- (b) *Registration form.* The registration form shall be prepared by county administration and shall require the following information:
- (1) The name, phone number and address of the lobbyist;
 - (2) The name, phone number and address of the principal represented;
 - (3) The date the lobbyist was initially retained by the principal;
 - (4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive office that is not a member of a local municipal governing body, advisory board member, or employee;
 - (5) The area of legislative interest;
 - (6) A statement confirming that the registrant is authorized to represent the principal;
 - (7) Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and
 - (8) The county or municipalities to be lobbied.
- (c) *Registration exceptions.* Registration shall not be required for the following:
- (1) Persons under contract with the county or municipalities as applicable who communicate with county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of a local municipal governing body, advisory board members or employees regarding issues related only to the performance of their services under their contract;
 - (2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the division of administrative hearings, in which the county or municipality as applicable is a party, who communicates with county or municipal attorneys on issues related only to the subject matter of the judicial proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the county or municipal attorneys are present for those communications.
- (d) *Reporting of expenditures.* Commencing November 1, 2011, and by November 1 of each year thereafter, all lobbyists shall submit to the central lobbyist registration site a signed statement under oath listing all expenditures made by the lobbyist in lobbying county or municipal officials and employees in excess of twenty-five dollars (\$25.00) for the preceding fiscal year commencing on October 1 and ending on September 30. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the

reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.

- (1) The county administrator of the central lobbyist registration site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.
- (e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, advisory board members, or employees.
- (f) *Existing county registrations.* All registrations on file and in effect with the county before the effective date of this ordinance shall remain in full force and effect.

(Ord. No. 03-018, § 3, 5-20-03; Ord. No. 03-055, Pt. II, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-354. - Record of lobbying contacts.

- (a) *Contact log.* Except when appearing before the board, local municipal governing body, or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the county or municipality as applicable for a period of five (5) fiscal years.
- (b) *Lobbying outside of county or municipal offices.* In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing the commissioner's office, the member of a local municipal governing board's office, the mayor or chief executive officer's office, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 03-018, § 4, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-355. - Cone of silence.

- (a) "Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:
 - (1) Any person or person's representative seeking an award from such competitive solicitation; and
 - (2) Any county commissioner or commissioner's staff, any member of a local governing body or the member's staff, a mayor or chief executive officer that is not a member of a local governing body or the mayor or chief executive officer's staff, or any employee authorized to act on behalf of the commission or local governing body to award a particular contract.
- (b) For the purposes of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

- (c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence applies to any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and shall remain in effect until such response is either rejected by the county or municipality as applicable or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this article.
- (d) The provisions of this article shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the board or local municipal governing body as applicable, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, county commissioner, member of a local municipal governing body, mayor or chief executive officer that is not a member of the local municipal governing body, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.
- (e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the county purchasing ordinance (County Code, chapter 2, article III, division 2, part A, section 2-51 et seq.) or municipal ordinance as applicable.
- (f) The cone of silence shall terminate at the time the board, local municipal governing body, or a county or municipal department authorized to act on behalf of the board or local municipal governing body as applicable, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.
- (g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 03-018, § 5, 5-20-03; Ord. No. 03-055, Pt. 3, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-356. - Enforcement.

- (a) If the county administrator or municipal administrator as applicable is informed of any person who has failed to comply with the requirements of this article, he or she shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the county administrator or municipal administrator as applicable determines that a violation may have occurred based on the results of the investigation, the county administrator or municipal administrator as applicable shall forward the matter to the county commission on ethics for further investigation and enforcement proceeding as set forth in article XIII of this chapter, the countywide code of ethics. For the purposes of further investigation and enforcement by the commission on ethics, a complaint submitted under this subsection by the county administrator or municipal administrator shall be deemed legally sufficient.
- (b) The commission on ethics may process any other legally sufficient complaints of violations under this article pursuant to the procedures established in article XIII of this chapter.

(Ord. No. 03-018, § 6, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2010-043, pt. 6, 9-28-10; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-357. - Penalties.

Violations of this article shall be punishable as follows:

- (1) Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars (\$2,500.00).
- (2) Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (4) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation.
- (5) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.
- (6) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.

(Ord. No. 03-018, § 7, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Secs. 2-358—2-370. - Reserved.

PALM BEACH COUNTY (CITY OF PALM BEACH GARDENS)

ARTICLE II. - CITY COUNCIL [\[2\]](#)

Footnotes:

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Charter reference— City council, art. IV; general powers, art. V.

Cross reference— Elections, ch. 26.

State Law reference— Code of ethics, F.S. § 112.311 et seq.; municipal home rule powers, F.S. ch. 166; open meetings, F.S. ch. 286.

DIVISION 3. - LOBBYIST REGISTRATION

Sec. 2-65. - Purpose.

The purpose of the following sections is to ensure that the activity of person(s) defined as lobbyists disclose their position and maintain a current lobbyist form on file with the city clerk for each principal, item, issue, and/or project for which the lobbyist is lobbying. The city's lobbyist registration procedures are intended to simplify and streamline lobbyist registration at the local level in order to inform the public who is lobbying city government employees and/or officials.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-66. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any member of the city council, the city manager, any advisory board member, or any employee with respect to the passage, defeat, or modification of any item which may foreseeably be presented for consideration to the advisory board or the city council, whichever body was lobbied.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Lobbyist shall not include:

- (1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity; any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves; or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
- (2) Any person who is retained or employed for the purpose of representing an employer, principal, or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing; provided the person identifies the employer, principal, or client at the hearing.

- (3) Any expert witness who is retained or employed by an employer, principal, or client to provide only scientific, technical, or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal, or client at the hearing.
- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc. lobbying on behalf of that entity.

Official or employee shall mean any official or employee of the city, whether paid or unpaid. The term "employee" includes, but is not limited to, the city manager, department heads, and personnel of the city. The term also includes contract personnel and contract administrators performing a government function. The term "official" shall mean members of the city council, the mayor, and members appointed by the city council to serve on any advisory, quasi-judicial, or any other board of the city, or any other regional, local, municipal, or corporate entity.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-67. - Requirements and procedures.

- (a) *Registration required.* Lobbyists shall file a separate registration with the city clerk for each principal the lobbyist represents. In those instances when a lobbyist is representing a principal for multiple projects or issues, the lobbyist shall also be required to file a separate registration for each project or issue. Lobbyists may register electronically via the city's website or directly in city hall. Lobbying prior to registration is prohibited.
- (b) *Registration form.* The registration form shall be prepared by the city clerk's office, approved by the city manager, and shall require the following information:
 - (1) The name, telephone number, and address of the lobbyist;
 - (2) The name, telephone number, and address of the principal represented;
 - (3) The date the lobbyist was initially retained by the principal;
 - (4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current city councilmember, city manager, city advisory board member, or city employee;
 - (5) The area of legislative interest;
 - (6) A statement confirming that the registrant is authorized to represent the principal.
- (c) *Registration exceptions.* Registration shall not be required for the following:
 - (1) Persons under contract with the city who communicate with city council members, the city manager, city advisory board members, or city employees regarding issues related only to the performance of their services under their contract;
 - (2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings in which the city is a party, who communicates with the city's attorney on issues related only to the subject

matter of the subject proceeding. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration, hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the city's attorney is present for those communications.

- (d) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city council members, the city manager, city advisory board members, or city employees.
- (e) *County registration not preempted.* Registration with the City of Palm Beach Gardens does not relieve any lobbyist of his/her/its obligation to register with Palm Beach County or any other municipality, if such registration is required.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-68. - Penalties.

Violations of this division shall be punishable as follows:

- (1) Failure to properly register as required by section 2-66 of this division shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity.
- (2) Failure to properly provide lobbying contact information as required by section 2-66 of this division shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation.
- (4) Any person who violates the provision of this article more than once during a 12-month period shall be prohibited from lobbying as follows: a second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.
- (5) The penalties provided in this section shall be exclusive penalties imposed for any violation of the requirements of this division.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-69. - Enforcement.

The provisions of this division shall be enforced in accordance with article IV, code enforcement of this chapter and/or any other means available under the law.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Secs. 2-70—2-80. - Reserved.

PALM BEACH COUNTY (CITY OF RIVIERA BEACH)

ARTICLE IV. - OFFICERS AND EMPLOYEES⁹¹

Footnotes:

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Cross reference— Powers and duties of officers, § 2-5; bond of officials and employees, § 2-6; city personnel prohibited from accepting gifts, discounts, etc., § 2-7; code enforcement officer, § 2-311; fire chief, § 6-3; general employees pension program, § 14-21 et seq.; social security, § 14-101 et seq.; personnel, ch. 15; police department, § 16-21 et seq.; reserve police force, § 16-61 et seq.; director of planning, § 27-51 et seq.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; suspension or removal of board members, F.S. § 112.501; public records act, F.S. § 119.01 et seq.; public meetings law, F.S. § 286.01 et seq.

DIVISION 1.5. - LOBBYIST REGISTRATION

Sec. 2-162. - Title and purpose.

- (a) This division shall be cited as the "City of Riviera Beach Lobbyist Registration Ordinance."
- (b) The city council hereby determines that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city council, advisory board members, and employees on matters within their official duties, be publicly and regularly disclosed.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-163. - Definitions.

Unless expressly provided herein to the contrary, for purposes of this division, the following definitions will apply:

Advisory board means any advisory or quasi-judicial board created by the city council.

City Council or council means the mayor or any member of the City of Riviera Beach City Council.

Employee means all personnel employed by the City of Riviera Beach.

Lobbying means seeking to influence the decision of the mayor or any city council person, any advisory board member, or any employee with respect to the passage, defeat or modification of any item anticipated to be presented for consideration to the city council or the city's advisory boards as applicable.

Lobbyist means any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal or most significant responsibilities to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include any employee as defined by this division when acting in the course of his or her employment, any elected official when the official is lobbying on behalf of the governmental agency which

the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations (profit or not-for-profit), professional corporations, or associations, and all other groups or combinations however constituted.

Principal means the person or entity a lobbyist represents for the purpose of lobbying.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-164. - Registration and expenditures.

- (a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to the city clerk. A separate registration is required for each principal represented. A registration fee of \$25.00 must be included with each registration form submitted. A registrant shall promptly send a written statement canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited.
- (b) *Registration form.* The registration form shall require the following information: 1) the name and address of the lobbyist; 2) the name and address of the principal represented; 3) the date the lobbyist was initially retained by the principal; 4) the nature and extent of any direct business association or partnership the lobbyist and principal might have with any current city councilperson, advisory board member, or employee; 5) the area of legislative interest; and 6) a statement confirming that the registrant is authorized to represent the principal. The form shall be signed by the registrant and the principal.
- (c) *Registration exceptions.* Registration shall not be required for the following:
 - (1) City council members, advisory board members or employees discussing matters relevant to their official duties;
 - (2) Persons under contract with the city who communicate with city council persons, advisory board members or employees regarding issues related only to the performance of their services under their contract;
 - (3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation;
 - (4) Any person who appears before the city council or advisory board in a quasi-judicial proceeding; or
 - (5) A representative of a labor union or an employee of the city who is a member of a labor union which has a collective bargaining agreement with the city.
- (d) *Reporting of expenditures.* Commencing October 1, 2011, and on October 1 of each year thereafter, the lobbyist shall submit to the city clerk a signed statement under oath listing all expenditures made by the lobbyist in lobbying city officials and employees in excess of \$25.00 for the preceding year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events.
 - (1) The administration shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the Palm Beach County Commission on Ethics of this failure. In addition to any other penalties which may be imposed under this division, any lobbyist who fails to file the required expenditure report within 30 days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.

- (e) *False statements* . A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city councilpersons, advisory board members, or employees.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-165. - Record of lobbying contacts.

- (a) *Contact log*. Except when appearing before the city council or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of each department of city government. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this division, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be transmitted to the city manager at the end of each calendar quarter.
- (b) *Lobbying outside of city offices*. In the event that a lobbyist engages in lobbying which is outside of city offices, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise the city manager's office, legislative office, or the employee's department as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-166. - Cone of silence.

- (a) Cone of silence means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:
 - (1) Any person or person's representative seeking an award from such competitive solicitation; and
 - (2) Any city councilperson or legislative staff, or any employee authorized to act on behalf of the council to award a particular contract.
- (b) For the purposes of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
- (c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence shall remain in effect and subject to the terms of this section for any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and such response is either rejected by the city or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this division.
- (d) The provisions of this division shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the council, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardees, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, city council member, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.
- (e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the city procurement ordinance.

- (f) The cone of silence shall terminate at the time the city council or the city manager, acts on behalf of the city, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.
- (g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-167. - Enforcement.

- (a) If the administration is informed of any person who has failed to comply with the requirements of this division, the administrator shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event it is determined that a violation may have occurred based on the results of the investigation, the city manager shall forward the matter to the Palm Beach County Commission on Ethics for further investigation and enforcement proceeding as set forth by the code of ethics procedures. A complaint submitted under this subsection by the city manager or designee shall be deemed legally sufficient evidence of such violation to transfer the matter to the Palm Beach County Commission on Ethics for further investigation and enforcement proceedings.
- (b) The commission on ethics may process any other legally sufficient complaints of violations under this division pursuant to the procedures established.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-168. - Penalties.

Violations of this division shall be punishable as follows:

- (a) Failure to properly register as required by section 2-164 of this division shall be deemed a single violation, punishable by a fine of \$250.00 per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of \$2,500.00.
- (b) Failure to properly provide lobbying contact information as required by section 2-165 of this division shall be punishable by a fine of \$250.00 for each violation.
- (c) Violations of the cone of silence set forth in section 2-166 of this division shall be punishable by a fine of \$250.00 for each violation.
- (d) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of \$250.00 for each violation.
- (e) Any person who violates the provisions of this division more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one year; a third violation shall result in a prohibition of 2 years.
- (f) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this division. Willful violations of this division may be referred by the commission on ethics to the state attorney for prosecution. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(Ord. No. 4001, § 1, 9-7-11)

Secs. 2-169—2-175. - Reserved.

PALM BEACH COUNTY (CITY OF WEST PALM BEACH)

ARTICLE VII. - CITY OF WEST PALM BEACH CODE OF ETHICS

DIVISION 5. - DISCLOSURE FOR DOING BUSINESS WITH CITY

Sec. 2-581. - Lobbyist registration.

- (a) *Definitions.* Unless expressly provided herein to the contrary, for purposes of this section, the following definitions will apply:

Lobbying shall mean seeking to influence the decision of any city commissioner, any advisory board member, any employee or any other decision maker with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to such entities as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal. "Lobbyist" shall not include any employee as defined in this article when acting in the course of his or her employment, any elected local official when the official is lobbying on behalf of the governmental agency which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

- (b) *Registration required.* All lobbyists shall register with city administration before engaging in lobbying. Every lobbyist shall submit a form prepared by city administration and shall state his or her name, address, the name and address of each principal represented, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current city commissioner, advisory board member, employee or other decision maker. A lobbyist's registration shall automatically expire on December 31 of the year of registration. If at any time during the year, a lobbyist commences representing a principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited.
- (c) *Registration exceptions.* Registration shall not be required for the following:
- (1) City commissioners, advisory board members employees or other decision makers discussing matters relevant to their official duties;
 - (2) Persons under contract with the city who communicate with city commissioners, advisory board members or employees regarding issues related only to the performance of their services under their contract;
 - (3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation;
 - (4) Any person who appears before the city commission or advisory board or other decision maker in a quasi-judicial proceeding.
- (d) *Prohibited lobbying.* No person, firm or corporation or others representing such person, firm or corporation who or which has submitted a bid or proposal to the city shall contact or lobby the mayor, any city commissioner, city staff, or evaluation committee member regarding such bid or proposal, nor any other person authorized on behalf of the city related to the bid or proposal, from the time the bid or proposal is submitted to the city to the time an award has been made.
- (e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city commissioners, advisory board members, employees or other decision makers.

(Ord. No. 4080-07, § 2, 10-9-2007)

PINELLAS COUNTY

ARTICLE IX. - LOBBYISTS^[10]

Footnotes:

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Editor's note— Ord. No. 13-06, § 1, adopted Feb. 26, 2013, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 26-271—26-275, pertained to similar subject matter and derived from Ord. No. 97-19, §§ 1—5; Ord. No. 02-97, § 2, adopted Dec. 3, 2002; Ord. No. 06-01, § 1, adopted Jan. 10, 2006.

Sec. 26-271. - Findings and intent.

The intent of the board of county commissioners in adopting an ordinance relating to lobbying is to protect rights guaranteed by the First Amendment to the United States Constitution to speak, publish and petition governmental officials, while at the same time protecting the citizens' rights to open government as guaranteed by sec. 24, Art. I, Florida Constitution. To that end, the board finds it necessary to impose reasonable regulations prohibiting lobbying in only certain limited circumstances, while otherwise allowing open access to government officials. In balancing the important yet competing rights of its citizens protected by the federal and state constitutions and to promote transparency and integrity in the decision making process, the board finds it necessary to require disclosure of certain activities related to lobbying as more fully set forth herein.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-272. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clerk means the board records section of the Pinellas County Clerk of the Circuit Court.

Compensation means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation is a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal for the purpose of lobbying.

Lobbying means communicating, directly or indirectly, outside a duly noticed public meeting or hearing on the record with a member of the board of county commissioners, for the purpose of encouraging the passage, defeat or modification of any item pending before the county commission. Lobbying shall include all forms of communication, whether oral, written, or electronic.

Lobbyist means a person who for compensation engages in lobbying as defined in this article.

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

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-273. - Registration of lobbyists.

All lobbyists shall register and re-register, as applicable, prior to January 1 of each year. Registration forms shall be in the manner designated by the county administrator. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the board.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-274. - Prohibition of lobbying in certain procurement matters.

Lobbying shall be prohibited on all county competitive selection processes and contract awards as set forth in section 2-189, Pinellas County Code.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-275. - Record of lobbying contacts.

All lobbyists shall sign the visitor logs, maintained and available online and in the office reception areas of the county commission, prior to meeting with a county commissioner. The lobbyist shall state his or her name; the name of each principal, if applicable, represented in the course of the particular contact; and the topic of the contact. Notice of any such meeting shall be transmitted to each county commissioner. The visitor logs shall be maintained by the clerk and shall be available for public inspection. In the event that a lobbyist or principal engages in lobbying which is initiated outside of county offices, the lobbyist or principal shall provide the information required above to the clerk within 48 hours of such lobbying contact.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-276. - Statement of lobbying expenditures.

A lobbyist shall annually on or before January 1 of each year submit to the clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year, the sources of the funds, and an itemization as to the amount expended for each member of the board of county commissioners by each registered lobbyist. The statement shall be made in the manner designated by the county administrator.

The clerk of the board of county commissioners shall maintain the expenditure statements in a manner which shall be open for public inspection. On January 1 of each year, the clerk shall notify any registered lobbyist who has failed to file the required report. Any lobbyist who has further failed to file by February 1, in addition to any other penalty provided for herein, shall not be permitted to reregister as a lobbyist or to engage in any further lobbying activities.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-277. - Exceptions.

- (a) The following persons shall not be required to register:
 - (1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.
 - (2) A person who appears at the specific request or under compulsion of the commission, board or staff member.

- (3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.
 - (4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the county commission, any board or staff member and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.
 - (5) Any person in contractual privity with the county who appears only in his or her official capacity.
- (b) This article shall not apply to discussion or negotiations on matters in litigation or in matters in anticipation of litigation.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-278. - Violations; penalties.

- (a) The penalties for violations of this article shall be as provided in section 1-8 of the County Code.
- (b) Any person who violates the provisions of this article more than once during a 12-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one year; a third violation shall result in a prohibition of two years.
- (c) The validity of any action or determination of the commission, board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 13-06, § 1, 2-26-13)

PINELLAS COUNTY (CITY OF CLEARWATER)

ARTICLE VIII. - REGISTRATION OF LOBBYISTS

Sec. 2.700. - Definitions.

[For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

Compensation means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation is a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal for the purpose of lobbying.

Lobbying means meeting privately with a member of the city council, for the purpose of encouraging the passage, defeat or modification of any item pending before the city council.

Lobbyist means any person who for compensation engages in lobbying as defined in this article.

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

(Ord. No. 6002-96, § 3-21-96; Ord. No. 6047-96, § 1, 6-6-96; Ord. No. 6058-96, § 1, 7-18-96; Ord. No. 6111-96, § 1, 12-5-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.701. - Registration.

All lobbyists shall sign in, at the time of the lobbying, in a notebook for that purpose in the city council reception area. Annually, they shall also register on a registry of lobbyists maintained and available for public inspection in the office of records and Legislative services, on or before January 1 of each year following the lobbying activity. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of legislative intent, and the nature and extent of any direct business association or partnership with any current member of the council. The city clerk shall provide forms on which the lobbyists may supply the aforesaid information.

In the event any lobbying meeting as defined herein occurs outside of city offices in Clearwater, the lobbyist shall register on or before January 1 of each year following the lobbying activity.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 6058-96, § 2, 7-18-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.702. - Reserved.

Sec. 2.703. - Statement of lobbying expenditures.

A lobbyist shall annually on or before January 1 of each year submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization as to the amount expended for each councilmember by each registered lobbyist. The statement shall be made on forms provided by the city clerk.

The city clerk shall maintain the expenditure statements in a book or file which shall be open for public inspection. On January 1 of each year, the clerk shall notify any registered lobbyist who has failed to file the required report. Any lobbyist who has further failed to file by February 1, in additions to any other penalty provided for herein, shall not be permitted to reregister as a lobbyist or to engage in any further lobbying activities.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 6111-96, § 2, 12-5-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.704. - Exceptions.

- (a) The following persons shall not be required to register:
 - (1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.
 - (2) A person who appears at the specific request or under compulsion of the council;
 - (3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat the matter or measure or any amendment thereto.
 - (4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the city council and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.
 - (5) Any person in contractual privity with the city who appears only in his or her official capacity.
- (b) This article shall not apply to discussion or negotiations on matters in litigation.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 7448-05, § 1, 8-4-05)

Note— Formerly § 2.705.

Sec. 2.705. - Violations.

- (a) A first violation of the provisions of this article shall result in the issuance of a warning by the city attorney's office. The penalties for subsequent violations are as provided in section 1.12 of the Code of Ordinances of the City of Clearwater.
- (b) The validity of any action or determination of the commission shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 7448-05, § 1, 8-4-05)

Note— Formerly § 2.706.