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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.

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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

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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

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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

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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.