

Lobbyists and Lobbying

B.C.C. § 1-19 (Broward Code of Ethics for Elected Officials), B.C.C. § 1-260 et seq. (Broward County Lobbyist Registration Act), B.C.C. § 26-71 et seq. (Broward County Employee Code of Ethics Act); and F.S. §§ 112.313, 112.3145, and 112.3148 (State Code of Ethics for Public Officers and Employees) address standards of conduct regarding lobbying.

This brochure is intended only to summarize certain provisions for Broward's county and municipal public officers, procurement employees, and county employees, and does not serve as a legal opinion.

Citations to the Broward County Code of Ordinances and Florida Statutes are abbreviated herein as "B.C.C. §" and "F.S. §," respectively, followed by the section number.



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Broward and Florida Codes of Ethics

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“Lobbying”

means any kind of communication, from a lobbyist to certain government decision makers about an item that will foreseeably be decided by a final decision-making authority, which seeks to influence, convince, or persuade support or opposition for the item. It is not an on-the-record communication at a duly-noticed public meeting or hearing. B.C.C. §§ 1-19(b)7.; 1-261(b); 26-72.5(f). Such decision-makers include any Broward: county commissioner, member of a municipal governing board, and municipal mayor; and, for purposes of the Broward Code of Ethics for Elected Officials, any member of any final decision-making body of the county or any municipality, any direct appointee of a county or municipal governing board or mayor, and any final decision-making authority for county or municipal procurement. B.C.C. §§ 1-19(b)2.

A “lobbyist” is a person retained (with or without compensation) to lobby or who is employed principally to lobby for his or her employer. It is not an official or employee who communicates in his or her official capacity; someone who communicates on his or her own behalf or for his or her employer (unless principally employed to lobby); a homeowners’ association member representing the association; or a non-profit public interest member representing the non-profit. B.C.C. §§ 1-19(b)8., 1-261(d), 26-72.5(g). If otherwise qualified to lobby, an attorney, sales or marketing representative, or any other professional can be a lobbyist. And, one doesn’t need to register in order to meet the definition of lobbyist.

All lobbyists and elected officials are subject to registration, disclosure requirements, and gift prohibitions (see right). In addition, current and former **public officials and employees who lobby** are subject to lobbying restrictions and may be required to disclose their clients (see right).

Lobbyists and Elected Officials

1. County registration: Each county lobbyist must pay a fee and register his or her contact information, the name and contact information of those for whom lobbying will be done, the subjects of intended lobbying, business relationships with county officials or employees, and authorization of any group. Lobbyists must also disclose their new clients on amended registrations prior to lobbying for them. B.C.C. § 1-262(a)-(c).

2. County annual statements: Each county lobbyist must file an annual statement under oath disclosing lobbying expenditures, fees, and funding sources. B.C.C. § 1-262(d). These are kept by the County Administrator’s Office and are open for public review. B.C.C. § 1-262(e).

3. Municipal lobbying: Many municipalities require individuals to register and pay filing fees before they can lobby that entity’s staff or officials. Check local laws.

4. Lobbying contact disclosures: Upon contact with a Broward elected official for the purpose of lobbying, each lobbyist must complete a contact log listing his or her name; his or her employer; whom he or she represents; the name of each Elected Official he or she is contacting; the date, time, location, and mode of the communication; and the specific purpose and subject matter of the contact. This information must be provided and filed for public inspection no later than three business days following the contact. The official’s municipality must make these logs available to lobbyists (for entry) and to the public (for review and searching) on its own website or provide a link from its website to the website where the searchable logs are maintained by the Broward League of Cities. B.C.C. § 1-19(c)3).

5. Gifts: Public officials and employees who file a State Commission on Ethics (CE) Form 1 or Form 6 may not solicit any gift from a lobbyist or a lobbyist’s partner, firm, employer, or principal. F.S. § 112.3148(3). Broward’s elected officials and their relatives (as defined by F.S. § 112.3135), registered domestic partners, and governmental office staff may not accept any gift valued at over \$5.00 from any lobbyist, principal (client) of a lobbyist, or employer of a lobbyist to their entity. B.C.C. § 1-19(b)11) and (c)1)a. Limited exceptions, as well as definitions for “gift” and value,” are noted in the OIG brochure titled, “*Officials and Employees Accepting and Reporting Gifts.*”

Current and Former Public Officials and Employees

1. Broward elected officials may not be employed as lobbyists or engage in lobbying, as defined at left. B.C.C. § 1-19(c)2)a. Similarly, no elected official’s **spouse, registered domestic partner, child, parent, sibling** or county or municipal **office staff** may lobby. B.C.C. § 1-19(b)6. and (c) (2)c.

2. County employees may not lobby members of the Commission, members of any selection or evaluation committee, or the units in which they work. B.C.C. § 26-73 (b)5).

3. Board members appointed to advisory boards and certain other county boards may not lobby the divisions and departments related to the boards they serve, during the time they serve and for two years after. B.C.C. § 26-70.

4. Post-service lobbying: County and municipal elected officials may not personally represent clients for compensation at their former governmental entity in the first two years after leaving office. F.S. § 112.313(14), B.C.C. § 26-77(a). Certain county appointed officials and employees may not personally represent clients for compensation before any county agency, any commissioner or staff, or anyone in their former divisions or departments in the first two years after leaving service. B.C.C. § 26-77(b).

5. Client reporting: If you are required to file a CE Form 1 or Form 6, and a member of your firm represented a client before your agency (other than in a ministerial matter or court appearance), you are required to disclose the client’s name on CE Form 2 and file it with the Supervisor of Elections by the end of the calendar quarter following the representation. F.S. § 112.3145(5). Broward’s **elected officials and county employees** who lobby their own unit about non-ministerial matters must file similar quarterly reports. B.C.C. § 26-76.

