

1 Dollar (\$50) registration fee for each employer on whose behalf the lobbyists engage in
2 lobbying activities for compensation, and provide penalties for the failure to pay the
3 registration fee and the failure to comply with disclosure requirements.

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5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:

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8 Section 1. Section 1-261, Chapter 1, of the Broward County Code of
9 Ordinances, is hereby amended to read as follows:

10 **Sec. 1-261. Definitions.**

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

12 (a) *Board* means the Board of County Commissioners of Broward County,
13 Florida.

14 (b) *Lobbying* means communicating directly or indirectly, ~~either~~ in person, by
15 telephone, ~~or~~ by letter, or by any other form of communication, on behalf of any other
16 person (as defined in (c) below), with any County Commissioner, ~~or~~ any member of any
17 decision-making body under the jurisdiction of the Board, or any County employee,
18 where the lobbyist seeks to ~~encourage the passage, defeat, modification, or repeal of~~
19 ~~any item which may be presented for a vote before the Board of County~~
20 ~~Commissioners, or~~ influence a decision to be made by the Board, a decision to be made
21 by any decision-making body under the jurisdiction of the Board, ~~which may be~~
22 ~~presented for consideration by a County employee as a recommendation to the Board~~
23 ~~or decision-making body or any employee making a final County procurement decision~~
24 or a final procurement decision to be made by a County employee. Appearing before

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1 the Board or other decision-making body under the jurisdiction of the Board at a
2 publicly-noticed meeting does not constitute lobbying.

3 (c) *Person* means any individual, business, corporation, association, firm,
4 partnership, ~~nonprofit organization, or other organization or group,~~ or other entity,
5 whether operated for profit or not for profit.

6 (d) *Lobbyist* means any person who is ~~employed and receives payment or~~
7 ~~who contracts for economic consideration for the purpose of lobbying, or a person who~~
8 ~~is principally employed for governmental affairs by another person or governmental~~
9 ~~entity to lobby on behalf of that other person or governmental entity~~ engages in
10 lobbying, as defined in subsection 1-261(b), regardless of whether he or she receives
11 any compensation for such lobbying. Any person who, in his or her individual capacity,
12 merely communicates with ~~the County Commission, a County Commissioner, a~~
13 ~~decision-making body under the jurisdiction of the Board of County Commissioners, or~~
14 ~~any County employee, for the purpose of self-representation, without compensation or~~
15 ~~reimbursements, to express support of or opposition to any item which may be~~
16 ~~presented for a vote before the Board, and who shall so declare to the person or body~~
17 ~~with whom he or she discusses any such item,~~ shall not be required to register as a
18 lobbyist. Additionally, any individual who ~~engages in lobbying as a volunteer, without~~
19 ~~payment of any compensation or reimbursement of expenses, either directly or~~
20 ~~indirectly, shall not be required to register as a lobbyist.~~

21 (e) ~~Employer~~ Employer means any person providing or agreeing to provide
22 compensation of any kind to a lobbyist in consideration for his or her performance of
23 lobbying activities.

1 (f) Compensation means paying or agreeing to pay or give, directly or
2 indirectly, any money, anything of value, or reimbursement of expenses (in whole or in
3 part), in consideration for the performance of lobbying activities.

4 Section 2. Section 1-262, Chapter 1, of the Broward County Code of
5 Ordinances, is hereby amended to read as follows:

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

7 (a) ~~Registration Statement Required.~~ Prior to engaging in any lobbying
8 activities, whether or not compensation is paid or received in connection with those
9 activities, each Every lobbyist shall file with the County Administrator the following
10 information:

11 (1) ~~Prior to engaging in lobbying activities, a~~ File with the County
12 Administrator, in form prescribed by the County Administrator, an annual
13 registration statement under oath containing the following information:

14 a. The lobbyist's full name, residence address, business name,
15 business address, and nature of business.

16 b. The full name and address of ~~his or her employer, if any~~ all persons
17 on whose behalf the lobbyist will be lobbying. If, after filing the
18 registration statement, the lobbyist intends to lobby on behalf of any
19 person(s) not listed on the registration statement, the lobbyist shall,
20 prior to engaging in any lobbying activities on behalf of such
21 unlisted person(s), file an amendment to the registration statement,
22 in form prescribed by the County Administrator, containing all the
23 information required in the annual registration statement.
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- 1 c. The general and specific subject matters which the lobbyist seeks
2 to influence.
- 3 d. The extent of any direct business association by the lobbyist with
4 any current elected or appointed official or employee of Broward
5 County. For the purposes of this article, the term "direct business
6 association" shall mean any mutual endeavor undertaken for profit
7 or compensation.
- 8 e. A lobbyist representing a group, association, or organization shall,
9 prior to engaging in lobbying, receive appropriate authorization from
10 said group, association, or organization to lobby on its behalf upon
11 a particular subject matter. A copy of the applicable minutes,
12 motion, or other documentation of the action providing such
13 authorization shall be attached to the registration statements
14 ~~required by paragraphs (1) and (2) of this subsection.~~

15 (2) Pay to the County Administrator's Office an annual Fifty Dollar (\$50)
16 registration fee for each employer, identified on an annual or amended
17 registration statement, on whose behalf he or she intends to lobby,
18 whether he or she was retained directly by the employer or by another
19 lobbyist retained by the employer. A lobbyist, who is lobbying as a
20 volunteer, without any compensation, is not required to pay a registration
21 fee in connection with those uncompensated lobbying activities.

22 (b) A lobbyist is required to promptly amend any filed registration statement if
23 any information in the statement changes.

1 (c) Registration statements are effective for a twelve (12) month period from
2 July 1 of a given year through June 30 of the following year. Registration fees paid
3 under (a)(2) above cover lobbying activities during the effective period of the registration
4 statement. A new registration statement shall be filed, and all required fees shall be
5 paid, prior to engaging in any lobbying activities after expiration of a previously-filed
6 registration statement.

7 (d) Disclosure Statement Required.

8 (2) (1) A On or before July 15 of each year, each lobbyist shall annually submit to
9 the County Administrator's Office, in form prescribed by the County
10 Administrator, a signed statement under oath, disclosing all lobbying
11 expenditures, contingency fees, and the sources from which funds for
12 making such expenditures and paying such contingency fees have come.
13 ~~The statement required herein for the period from July first to June thirtieth~~
14 ~~shall be filed no later than July fifteenth of each year.~~ The statement shall
15 provide such information with respect to all lobbying activities undertaken
16 from July 1 of the prior year through June 30 of the year in which such
17 disclosure statement is required to be filed. Lobbying expenditures shall
18 not include personal expenses for lodging, meals, and travel. Said
19 ~~statements shall be rendered in the form provided by the County~~
20 ~~Attorney's Office and shall be open to public inspection.~~ A statement shall
21 be filed even if there have been no expenditures during a reported period.
22 A public official acting in his or her official capacity shall not be required to
23 file the statement required by this subsection.

- 1 c. Such fine shall be paid within twenty (20) days after receipt of the
2 notice of payment due, unless timely appeal is made to the
3 ~~Commission~~ Board.
- 4 d. A fine shall not be assessed against a lobbyist the first time any
5 statement for which the lobbyist is responsible ~~are~~ is not timely
6 filed. ~~provided~~ However, to receive the one-time fine waiver, all
7 ~~statements~~ for which the lobbyist is responsible must be are filed
8 within twenty (20) days after receipt of notice that any statements
9 have not been timely filed. A fine shall be assessed for any
10 subsequent late-filed statement.
- 11 e. Any lobbyist may appeal ~~or dispute~~ a fine, based upon unusual
12 circumstances surrounding the failure to file ~~on~~ by the designated
13 due date, and may request and shall be entitled to a hearing before
14 the ~~Commission~~ Board, which shall have the authority to waive the
15 fine in whole or in part for good cause shown. ~~Any such request~~
16 ~~shall be made within twenty (20) days after receipt of the notice of~~
17 ~~payment due. In such case, the lobbyist shall, within the 20-day~~
18 ~~period, notify the person designated to review the timeliness of~~
19 ~~statements in writing of his or her intention to bring the matter~~
20 ~~before the Commission.~~ To be entitled to such appeal, the lobbyist
21 must, within twenty (20) days after receipt of the notice of payment
22 due, deliver a letter requesting a hearing to the person designated
23 to review the timeliness of statements.
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1 ~~(b)~~ (e) *List of Current Lobbyists.* The County Administrator's Office shall keep a
2 current list of registered lobbyists and their respective ~~reports~~ statements required under
3 this article, all of which shall be open for public inspection.

4 ~~(c)~~ ~~*List of Employers.*~~ A lobbyist shall file a registration statement for each
5 employer on whose behalf he or she lobbies.

6 ~~(d)~~ (f) *Partial Year Filing Required.* Discontinuance of lobbying activities during
7 a year shall not relieve the lobbyist ~~from~~ of the requirement ~~of filing~~ to file the statement
8 required by subsection ~~(a)(2)~~ (d)(1) above for that portion of the year during which the
9 lobbyist was engaged in lobbying activities.

10 Section 3. Section 1-265, Chapter 1, of the Broward County Code of
11 Ordinances, is hereby amended to read as follows:

12 **Sec. 1-265. Penalties.**

13 (a) The County Attorney or County Administrator, or their designee, shall be
14 informed of any person engaged in lobbying activities who has failed to comply with the
15 ~~reporting requirements and prohibitions~~ provisions of this act, and, in each such
16 instance, shall conduct such investigation as he, ~~or she,~~ or they shall deem necessary
17 under the circumstances. The results of each investigation shall be reported to the
18 Board of County Commissioners.

19 (b) The Board ~~of County Commissioners~~ may ~~shall~~ warn, reprimand, ~~or~~
20 ~~censure the violator or may~~ suspend, or prohibit the violator from appearing on behalf of
21 any ~~employer~~ person before the Board or any decision-making body under the
22 jurisdiction of the Board or from otherwise lobbying for any ~~employer~~ person in any
23 fashion for a period of time; provided, however, that any suspension or prohibition may
24 not exceed a period of two (2) years, and no sanction shall be imposed unless the

1 lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to
2 be heard. The penalties provided in this section shall be the exclusive penalties
3 imposed for violations ~~of the registration and reporting requirements~~ of this act, except
4 as provided in 1-264(c). The intentional failure or refusal of any lobbyist to comply with
5 any order of the Board suspending or prohibiting the lobbyist from lobbying shall be
6 punishable as provided by law and shall otherwise be subject to such civil remedies as
7 the County may pursue, including injunctive relief.

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

11 (d) In addition to all other penalties in this section, an employer who has
12 retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be
13 deemed non-responsive unless the employer, in responding to the competitive
14 solicitation, certifies that each lobbyist retained has timely filed the registration or
15 amended registration required under Section 1-262. If, after awarding a contract in
16 connection with the solicitation, the County learns that the certification was erroneous,
17 and upon investigation determines that the error was willful or intentional on the part of
18 the employer, the County may, on that basis, exercise any contractual right to terminate
19 the contract for convenience.

20 Section 4. SEVERABILITY.

21 If any portion of this Ordinance is determined by any Court to be invalid, the
22 invalid portion shall be stricken, and such striking shall not affect the validity of the
23 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
24 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),

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1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 5. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that the provisions of
5 this Ordinance shall become and be made a part of the Broward County Code; and that
6 the sections of this Ordinance may be renumbered or re-lettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or
8 phrase in order to accomplish such intentions.

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Section 6. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

PURPOSE: The purpose of this Ordinance is to clarify the definitions of "lobbyist," "lobbying," and "employer"; define the term "compensation"; provide that all lobbyists must register as provided under the Act; provide that lobbyists be required to pay an annual Fifty Dollar (\$50) registration fee for each employer on whose behalf the lobbyists engage in lobbying activities for compensation; provide for an annual registration period; provide for an amended registration statement; provide for a disclosure statement and clarify the procedure to file the disclosure statement; and provide a penalty for failure to pay the registration fee and failure to comply with disclosure requirements.

AMK/mm
05/26/09
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