

ORDINANCE No. 05-03

AN ORDINANCE CREATING ARTICLE V OF CHAPTER 2 OF THE CODE OF ORDINANCES; PROVIDING FOR REGULATIONS CONCERNING THE REGISTRATION ON LOBBYISTS; PROVIDING FOR LIMITATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their local government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues, and

WHEREAS, it is equally important to preserve and maintain the integrity of the governmental decision-making process, and

WHEREAS, in order to serve these two goals, it has been determined that the people are best served by having an opportunity to be informed as to those persons who seek to exert influence on the governmental decision-making process and actions arising therefrom, and

WHEREAS, the City Commission has determined that the least intrusive means of serving the needs of the people, while encouraging public and private input, is to provide for a system of registration of an limitations on lobbyists and lobbying activities,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. CREATION: Article V of Chapter 2 of the Code of Ordinances is

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hereby created, to be entitled Lobbying and Lobbyist Registration

SECTION 3. CREATION: Section 2-61 of Article V of Chapter 2 of the Code of

Ordinances is hereby created to read as follows:

Sec. 2-61. 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.

SECTION 4. CREATION: Section 2-62 of Article V of Chapter 2 of the Code of

Ordinances is hereby created to read as follow:

Sec. 2-62. Definitions.

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

- (a) Commission means the City Commission of Lauderdale Lakes, Florida.
- (b) 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

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Commission or decision-making body or any city employee making a final city procurement decision.

- (c) Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (d) 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.
- (e) Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.
- (f) "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.

SECTION 5. CREATION: Section 2-63 of Article V of Chapter 2 of the Code of

Ordinances is hereby created to read as follows:

Sec. 2-63. Lobbying registration and statements.

- (a) Registration Statement Required. Every lobbyist shall file with the city clerk

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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 paragraphs (1) and (2) of this subsection .
 - 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 first to June thirtieth shall be filed no later than July fifteenth 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

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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 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 Fifty Dollars (\$50) 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 twenty (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 statement for which the lobbyist is responsible must be filed within twenty (20) days after receipt of notice that any

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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 twenty (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.

SECTION 6. CREATION: Section 2-64 of Article V of Chapter 2 of the Code of Ordinances is hereby created to read as follows:

Sec. 2-64. 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.

SECTION 7. CREATION. Section 2-65 of Article V of Chapter 2 of the Code of

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Ordinances is hereby created to read as follows:

Sec. 2-65. 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 2-63 (a)(2).
- (b) In addition to the penalties provided in Section 2-66, any knowing or intentional violation of this section shall be punishable as provided by law.

SECTION 8. CREATION. Section 2-66 of Article V of Chapter 2 of the Code of

Ordinances is hereby created to read as follows:

Sec. 2-66. 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 (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 2-65(c). The intentional failure or refusal of any lobbyist to comply with any order of the Commission suspending or prohibiting the lobbyist from

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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.

SECTION 9. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 10. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. INCLUSION IN CODE: It is the intention of the City Commission of the City of Lauderdale Lakes that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderdale Lakes and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 12. EFFECTIVE DATE: This Ordinance shall become effective

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immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 11TH DAY OF JANUARY, 2005.

PASSED ON SECOND READING BY TITLE ONLY THE 25TH DAY OF JANUARY, 2005.

ADOPTED AND PASSED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES AT ITS REGULAR MEETING HELD ON THE 25TH DAY OF JANUARY, 2005.


SAMUEL S. BROWN, MAYOR

ATTEST:


HAZELINE F. CARSON, CITY CLERK

