

**ORDINANCE:16-07**

**AN ORDINANCE OF THE CITY OF FLORIDA CITY, FLORIDA, AMENDING CHAPTER 2 OF THE FLORIDA CITY CODE OF ORDINANCES, BY ESTABLISHING A NEW ARTICLE VIII ENTITLED "LOBBYING"; RESERVING SECTIONS 2-218 THROUGH 2-229, AND CREATING SECTIONS 2-220 THROUGH 2-338; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, Sec. 2-11.1 of the Miami-Dade County's Conflict of Interest and Code of Ethics Ordinance establishes the minimum standards of ethical conduct for both County and municipal elected officials, employees, members of advisory boards and quasi-judicial bodies, designated County contract workers, lobbyists and certain other individuals and entities; and**

**WHEREAS, the Miami-Dade County Code requires persons or entities employed or retained by a principal seeking to influence official County or municipal action, to register as lobbyists and prohibits meetings with unregistered individuals; and**

**WHEREAS, under the County Code, a municipality may impose a stricter standard and may set its own registration fee; and**

**WHEREAS, the City Commission desires to adopt its own lobbying ordinance mirroring Miami-Dade's Code, but setting forth a lower annual registration fee; and**

**WHEREAS, the City Commission finds that this adoption is in the best interest of the City.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLORIDA CITY, FLORIDA:**

**Section 1.    Ratification.    The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein as part of this ordinance upon adoption.**

**Section 2.    Reserve.    That Chapter 2 of the Code of Ordinances of the City of Florida City is hereby amended to reserve Sec. 2-218 through Sec.2-229 as follows:**

**Sec. 2-218 –2-229.    Reserved.**

**Section 3.    New Article.    That Article VIII of Chapter 2 of the Code of Ordinances of the City of Florida City shall be created and adopted to read as follows:**

## ARTICLE VIII "LOBBYING"

### Sec. 2-230. Title

The following Article of the Code of the City of Florida City, Florida, shall be known as the "City of Florida City Lobbying Ordinance."

### Sec 2-231. Supplemental provisions

This Article shall supplement the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance."

### Sec. 2-232. Definitions

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

City personnel means those city officers and employees who are required to file financial disclosures statement specified in section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance which is incorporated by reference herein.

Commissioners means the Mayor and the members of the City of Florida City as duly constituted from time to time.

Compensation means any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.

Controlling financial interest means 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.

Ethics Commission means Miami-Dade County Commission on Ethics and Public Trust.

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 the Mayor or Manager, 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 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.

### **Sec. 2-233. Registration**

**(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 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 (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 two hundred and fifty dollars (\$250.00). Every registrant shall be required to state the extent of any business or professional relationship with any current Mayor or Commissioner. 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 Commission 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. 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 2-335. 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 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. 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.

(D) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, homeowner's association, 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.

**Sec. 2-334. Reporting by lobbyist and fines for noncompliance**

(A) Commencing September 1, 2016, and to September 1 of each year thereafter, the lobbyist shall submit to the City Clerk a signed statement under oath, as provided herein, 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.

(B) 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 as provided in section 2- 338 of this Article, 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 November 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Miami-Dade Ethics Commission.

(C) The City Clerk 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 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics shall have the authority to waive the fine, in whole or in part, based on good cause shown. The Commission on Ethics shall have the authority to adopt rules or procedures regarding appeals from the City Clerk.

**Sec. 2-335. Contingency fees prohibited**

Pursuant to this Article, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. Moreover, 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 Mayor 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.

**Sec. 2-336. Reporting by City Clerk**

The City Clerk shall publish logs on quarterly and annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection(s). All logs required by this Article shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

**Sec. 2-337. Responsibility of city personnel**

(A) All members of the City Commission and all City personnel shall be diligent to ascertain whether persons required to register pursuant to this Article have complied. Commissioners or City personnel may not knowingly permit a person who is not registered pursuant to this Article to lobby the Commission, Committee, Board or City personnel.

(B) The validity of any action or determination by the City Commissioners or any board or committee shall not be affected by the failure of any person to comply with the provisions of this Article.

**Sec. 2-338. Investigation & Penalties**

(A) All alleged violations of this Article shall be referred to the Miami-Dade Ethics Commission and the Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this Article. If a violation is found to have been committed, the Ethics Commission may, in addition to the penalties set forth in this Article, prohibit such person from lobbying before the City Commission or any committee, board or personnel of the City as provided herein.

(B) 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) 1st violation for a period of 90 days from the date of determination of violation;
- 2) 2nd violation for a period of one (1) year from the date of determination of violation;
- 3) 3rd violation for a period of five (5) years from the date of determination of violation.

**(C)** The penalties provided in this Article 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.

**Section 4.** Inclusion in the Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Florida City; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**Section 5.** Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** Severability. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

**Section 7.** Effective Date. This ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the Mayor and City Commission of the City of Florida City, Florida this 13TH day of December , 2016 on FIRST READING.

**Offered by: Mayor**

**Motion to adopt by:** Comm. Brown seconded by Comm. Shiver

**FINAL VOTE AT ADOPTION:**

Mayor Otis T. Wallace	<u>Yes</u>
Vice Mayor Sharon Butler	<u>Yes</u>
Commissioner Avis Brown	<u>Yes</u>
Commissioner Eugene D. Berry	<u>Absent</u>
Commissioner R.S. Shiver	<u>Yes</u>

PASSED AND ADOPTED on second reading this 27th day of December, 2016.

Offered by: Mayor

Motion to adopt by Comm. Shiver seconded by Comm. Berry.

**FINAL VOTE AT ADOPTION**

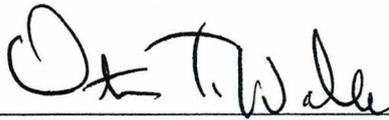
Mayor Otis T. Wallace Yes

Vice Mayor <sup>Sharon Butler</sup> ~~R.S. Shiver~~ Absent

Commissioner Avis Brown Yes

Commissioner Eugene D. Berry Yes

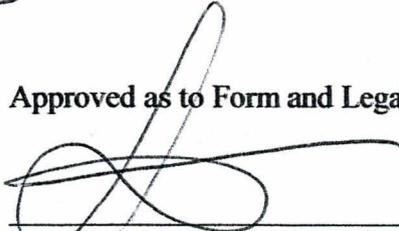
Commissioner <sup>R.S. Shiver</sup> ~~Sharon Butler~~ Yes

  
OTIS T. WALLACE, MAYOR

Attest:

  
JENNIFER A. EVELYN, CITY CLERK

Approved as to Form and Legal Sufficiency:

  
REGINE MONESTIME, CITY ATTORNEY

For Office Use Only: Check# \_\_\_\_\_  
Date: \_\_\_\_\_

**LOBBYIST REGISTRATION FORM**  
(Chapter 2, Article 8 of the City of Florida City Code of Ordinances)

(1) **Lobbyist Name:** \_\_\_\_\_

**Business/Firm Name:** \_\_\_\_\_

**Business Phone:** \_\_\_\_\_

**Business Address** \_\_\_\_\_ **Zip** \_\_\_\_\_

**E-Mail Address** \_\_\_\_\_

(2) **Principal Represented** \_\_\_\_\_

**Principal's Business Address** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Business Phone:** \_\_\_\_\_

(3) Specific issue lobbyist has been retained to lobby (if representing a corporation, partnership or trust, give business address of chief officer, partner, or beneficiary of same, and the names and addresses of all persons holding, directly or indirectly, at least five percent (5%) ownership interest in said corporation, partnership or trust).  
\_\_\_\_\_  
\_\_\_\_\_

(4) Lobbyists shall state the extent of any business association or financial relationship with any member(s) of the City Commission, any member of City staff before whom he/she lobbies or intends to lobby. **(If applicable, please explain)**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate if you are representing a \_\_ Not-for-Profit Agency or \_\_ if you are the principal of, and are only appearing as a representative of one of the following groups without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, pursuant to Section 2-232 & 2-233 of the City of Florida City Code of Ordinances.

Lobbyists shall pay all registration fees \$250.00 annually, and specifically define the issue for which they are employed.

“I do solemnly swear that all of the foregoing facts are true and correct, and I have read the provisions contained in Article 8, Sections 2-230 through 2-238 of the City of Florida City Code, as amended, and I swear to uphold the provisions of that Article.”

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Lobbyist Signature**

State of Florida,  
County of Miami-Dade

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**Print Name**

**JOINT CONTINGENCY FEE AFFIDAVIT  
AFFIDAVIT OF PRINCIPAL**

I, \_\_\_\_\_ as Principal of \_\_\_\_\_,  
Name of Principal (please print) Company Name (please print)

do hereby certify that I have not offered a contingency fee or success fee as defined in  
Section 2-335 of the City of Florida City Code of Ordinances, to the below named Lobbyist.

\_\_\_\_\_  
Principal Signature

State of Florida, County of Miami-Dade  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_ who is personally known \_\_\_\_\_ or produced identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the State of Florida

My commission expires: \_\_\_\_\_

(Notary Seal)

**AFFIDAVIT OF LOBBYIST**

I, \_\_\_\_\_ as registered Lobbyist, do hereby certify that I  
Name of Lobbyist (please print)

have not agreed to accept a contingency fee or success fee as defined in Section 2-335 of the  
City of Florida City Code of Ordinances, by the aforementioned Principal.

\_\_\_\_\_  
Lobbyist  
Signature

State of Florida, County of Miami-Dade  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_ who is personally known \_\_\_\_\_ or produced identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the State of Florida

My commission expires: \_\_\_\_\_

(Notary Seal)

**CITY OF FLORIDA CITY  
LOBBYIST EXPENDITURE REPORT CALENDAR YEAR**

**20-**\_\_\_\_\_

Section 2-334, City of Florida City Code of Ordinances

*Please Type or Print in Ink*

--

**Lobbyist Name** (Please type or print clearly.)

--

**Principal Name or Company Name** (Please type or print clearly.)

--

**CATEGORIES OF EXPENDITURES**

Food & Beverage	
Entertainment	
Research	
Communications	
Media / Advertising	
Publications	
Travel	
Lodging	
Special Events	
Other	

***OATH***

I do solemnly swear that all facts contained on this Lobbyist Expenditure Report form are true and correct; and that I have read and am familiar with the provisions contained in Section 2-334 of the City of Florida City Code of Ordinances.

\_\_\_\_\_  
Signature of Lobbyist

\_\_\_\_\_  
Date

**CITY OF FLORIDA CITY**  
**NOTICE OF WITHDRAWAL OF LOBBYIST REGISTRATION**  
(Section 2-233 City of Florida City Code of Ordinances)

**Lobbyist Name:**

\_\_\_\_\_

Mr/Ms Last Name

First Name

M.

\_\_\_\_\_

Business/Firm Name

\_\_\_\_\_

Address

\_\_\_\_\_

City

State

Zip

**Check here only if you are withdrawing as a Lobbyist and from all representations, otherwise continue as required.**

**Principal Represented:**

\_\_\_\_\_

Business/Firm Name

\_\_\_\_\_

Address

\_\_\_\_\_

City

State

Zip

**Date Representation Ended:** \_\_\_\_\_

**Subject Matter:**

\_\_\_\_\_

**Signature of Lobbyist** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

# CITY OF FLORIDA CITY LOBBYIST ACTIVITY AUTHORIZATION

Section 2; Article 8 of Florida City Code of Ordinances  
*(Please Type or Print in Ink)*

Principal's Name	
Principal's Contact Person	
Principal's Trade Name	
Mailing Address	
Email Address	
Telephone Number	
<i>Other Principal(s) of Interest holding directly or indirectly a 5% or more ownership interest.</i>	
<b>Name Of Lobbyist(s):</b>	
<b>Lobbyist's Address:</b> <b>Note: It is the responsibility of the lobbyist to notify the Florida City Clerk of any changes in address.</b>	
<b>Telephone Number:</b>	
<b>Date Employed</b>	
<input type="checkbox"/> Please check here if the lobbyist is employed for a specific issue.	
<b>Specific Issue:</b>	
<b>I swear under penalty of perjury that the information on this form is true and accurate.</b>	
<b>Principal's Signature:</b>	<b>Date:    /    /</b>
<b>Pursuant to Section 2-233 of the City of Florida City Code, misrepresentation on this form may subject a person to prohibition from lobbying before the City Commission or any committee, board or City personnel.</b>	

**From:** Jennifer A. Evelyn, City Clerk, <flacityclerk@aol.com>  
**To:** monestimeregine <monestimeregine@gmail.com>  
**Subject:** Re: Question please  
**Date:** Mon, Feb 13, 2017 12:15 pm

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thanks.. appreciated as always

-----Original Message-----

**From:** Regine Monestime <[monestimeregine@gmail.com](mailto:monestimeregine@gmail.com)>  
**To:** Jennifer A. Evelyn, City Clerk, <[flacityclerk@aol.com](mailto:flacityclerk@aol.com)>  
**Sent:** Mon, Feb 13, 2017 11:09 am  
**Subject:** Re: Question please

No. they don't have to take the course.

this is a little FAQ's in case other questions come up. As ALWAYS, though, feel free to ask me.

On Mon, Feb 13, 2017 at 10:02 AM, Jennifer A. Evelyn, City Clerk, <[flacityclerk@aol.com](mailto:flacityclerk@aol.com)> wrote:

Good Morning

Question: am not too certain

ref: Lobbyist

Prior to engaging in any lobbying activities must the applicant complete an ethics course provided by Miami

Dade County Commission on Ethics and Public Trust?

FEB 17 12:15 PM