

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Lobbyist Registration Ordinance

DEPARTMENT: County Manager **DIVISION:** _____

AUTHORIZED BY: Kevin Grace **CONTACT:** _____ **EXT.** _____

Agenda Date <u>05/11/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Direction from the BCC regarding Lobbyist registration ordinance.

BACKGROUND:

At the April 13, 2004 Board meeting, Commissioner Maloy asked the Board of County Commissioners to reconsider the idea of adopting a lobbyist registration ordinance, and staff was asked to bring this matter back to the Board for discussion.

This matter has been debated by the Board on a number of occasions. The minutes from the June 26, 2001 Board meeting are included as Attachment 1. The two previous packets of information provided to the Board on the subject are included as Attachment 2 and 3. Attachment 2 may be of particular interest since it includes a matrix of the key issues involved and how they are addressed by several other jurisdictions.

From a staff viewpoint, the key question regarding this issue seems to be whether the Board feels that this is an area of County government that is in need of regulation. Is this an area of communication that the Board considers a problem? If the Board's answer to this threshold question is "no" then no further action is necessary on this subject. If the Board feels that the lack of a lobbyist registration process is a serious weakness in the spectrum of County government operations, then staff should be directed to prepare an ordinance to bring back to the Board in the near future.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: <u>[Signature]</u>
File No. _____

If the Board desires to proceed with preparing an ordinance, staff would request direction regarding three aspects of the ordinance at this time. There will be other decisions to be made later, but these three will form the foundation of a proposed ordinance.

1. Who is considered a lobbyist?

In evaluating other ordinances, there appears to be two basic approaches to this definition. One is to limit the registration requirement to individuals or corporations that are being paid to lobby on the behalf of others. The other approach is to expand the definition to include anyone (paid or unpaid) who is lobbying on behalf of others. Staff would suggest limiting any regulation to that of paid lobbyists only.

2. What communications define lobbying activity? Who is being lobbied?

As you can see from the matrix included in Attachment 2 there are a number of different approaches to this issue. Some jurisdictions include the Board of County Commissioners, County Manager, County Attorney, Department Heads, and County Boards/Committees. Others limit the matter to the Board of County Commissioners only. In order to avoid disrupting services to the citizens, staff would suggest that this matter be limited to the Board of County Commissioners, County Manager and County Attorney.

3. What should be the extent of the regulation of lobbyists?

Some jurisdictions have chosen to only require that lobbyists register with the government, while others have added such requirements as:

- Maintaining a log of all contacts;
- Providing periodic reports of all lobbying activities and contacts; and
- Filing lobbyist expenditure reports.

Staff would suggest that the ordinance be limited to the registration of lobbyists.

JUNE 26, 2001

June 27, 28 and 29, 2001. Mr. Grace, Mr. McMillan and Commissioner McLain will also be attending.

Commissioner Morris clarified that at the last meeting, the Board directed staff to review the eastern side of the SR 46 Overlay.

Commissioner Maloy advised that Dianne Eswine began Monday as the District 1 Executive Assistant.

Commissioner Maloy advised that the Agro Diamond Experiment for landscaping is being tried on CR 427.

Commissioner Maloy stated during previous discussion by the Board concerning a Lobbying Ordinance, it was his understanding that it would be brought back for further discussion. He distributed his District 1 Report (copy received & filed), outlining some of the issues he would like to see in the ordinance. He said he would like to have this item brought back at the next BCC meeting for further discussion and scheduling of a public hearing.

Chairman Van Der Weide stated he knows the Board has addressed this issue and unless he hears loud and clear from the Board that they are interested in bringing this issue back, he does not believe they will move forward on it.

Motion by Commissioner Maloy, seconded by Commissioner Henley to direct staff to bring back a proposed Lobbying Ordinance for scheduling of a public hearing.

JUNE 26, 2001

Under discussion, Commissioner McLain stated he is concerned that this could be used by special interest groups to spend a lot of taxpayers' money.

Commissioner Morris expressed his concern that this would limit public access to Commissioners such as what ex parte did.

Commissioner Henley suggested having a workshop on this.

Commissioner Maloy stated he believes this is an important issue and the time has come to have an ordinance to speak to lobbying.

Chairman Van Der Weide stated he is not interested in pursuing this. He said he talks to everyone who calls his office; therefore, he will not support the motion.

Districts 1 and 4 voted AYE.

Commissioners Morris, Van Der Weide and McLain voted NAY, whereupon, the **motion failed** for the lack of a majority vote.

Commissioner Morris briefly discussed the destruction of Pine trees by the Southern Pine Beetle. Staff was directed to monitor the situation.

Commissioner McLain advised of request from Sanford Main Street, Inc. for the County's donation of \$5,000 toward the fireworks display at Lake Monroe on July 4, 2001. Letter regarding same was received and filed.

Motion by Commissioner McLain, seconded by Commissioner Morris to approve expenditure in the amount of \$5,000 for the City of Sanford's fireworks display to be held on July 4, 2001 at Lake Monroe.

Under discussion, Commissioner Morris suggested that in the future, this item be reviewed during budget work sessions.



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Board of County Commissioners
From: Stephen P. Lee, Assistant County Attorney, Ext. 7257
Date: January 10, 2001
Subject: Lobbying Registration Ordinance

In accordance with the Board's instructions we have prepared a matrix of ordinance provisions, copy attached. Also attached is a synopsis of the various ordinances. The synopsis contains some details that are not easily incorporated into a matrix format, such as fees, penalties, enforcement, etc. Finally, we have attached a copy of the latest draft ordinance for your information.

Please advise if there is anything else you would like done regarding this matter. I will be happy to meet with any of you at your request.

SPL/gn

Attachments

1. Matrix
2. Synopsis
3. Draft Ordinance

cc: Kevin Grace, County Manager
Bob McMillan, County Attorney

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A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be the initials "SPL" followed by a flourish.

ORDINANCE/STATUTE PROVISIONS	Orange County	Pinellas County	Lee County	Broward County	Hillsborough County	Duval County	Miami-Dade County	State of Florida	Seminole County Draft
Definition of Lobbyist includes requirement for payment by principal	Y	Y	N	N	N	Y	Y	Y	Y
Lobbying activities cover:									
The Board of County Commissioners	Y	Y	Y	Y	Y	Y	Y	N/A	Y
County Manager	Y	N	Y	N	Y	Y	Y		N
County Attorney	Y	N	Y	N	Y	Y	Y		N
Department Heads	Y	N	Y	N	Y	Y	Y		N
County Boards/Authorities (ex. P&Z, Purchasing, Port Authority)	*1	N	Y	N	N	*2	Y		N
Registration Required	Y	Y	Y	Y	Y	Y	Y	Y	*3
Contact Log Required	Y	Y	Y	N	Y	N	N	N	N
Report Outside Contacts	Y	Y	Y	N	Y	N	N	N	N
File Expenditure Reports	Y	Y	Y	Y	Y	N	Y	Y	N

*1 No lobbying of Procurement Committee is permitted

*2 Lobbying of any County officer or employee is covered

*3 Annual registration plus a notice of intent to lobby each specific issue or matter.

SYNOPSIS OF LOBBYING REGISTRATION ORDINANCES

ORANGE COUNTY

Application: Lobbyists are those who receive compensation to lobby on behalf of a principal. Activities covered are the lobbying of county chairman and his or her staff, members of BCC and members of their staff, county administrator, deputy or assistant county administrator, county attorney, division directors and department managers regarding matters upon which the BCC may act. No lobbying of Procurement Committee.

Requirements: Annual Registration (\$10.00 fee per lobbyist, not principal), maintain log of office contacts (all office contacts, including citizen contacts must be logged). Lobbyist provides record of outside contacts. Annual report of lobbying expenditures of lobbyist, not those of principal.

Enforcement: County Manager or County Attorney (or designee) receives and investigates complaints. Reports results to BCC.

Penalties: BCC may warn, reprimand, censure or prohibit lobbying for up to 2 years. Failure to abide by BCC order subject to injunctive relief or penalties provided by law.

PINELLAS COUNTY

Application: Lobbyists are those who lobby for compensation. Activities covered are lobbying of members of the BCC regarding matters pending before the BCC.

Requirements: Lobbyists register each contact, at time of contact. Lobbyists report outside contacts. Annual reporting of lobbying expenditures (including sources of funds).

Enforcement: Failure to file annual expenditure report not permitted to register. Other violations, first violation results in warning by County Attorney. Subsequent violations subject to prosecution.

Penalties: Warning (see above), prohibition against registration (see above) or \$500.00 or 60 days.

LEE COUNTY

Application: Lobbyists are those who lobby on behalf of another (paid or unpaid). Individuals who are not paid and who represent themselves are exempt. Individuals appearing at a public hearing and speaking on their own behalf are exempt. Activities covered are lobbying of members of BCC, members of any decision making body under jurisdiction of BCC, County Administrator, Assistant and Deputy County Administrators, County Attorney and Assistant County Attorneys, Director of the Port Authority, Department Heads,

Division Heads, Office Directors, and all employees of the Purchasing Department (excluding secretarial staff) regarding any item which may be presented to BCC or the decision making body.

Requirements: Members of BCC and County staff identified above must keep notebooks documenting all lobbying contacts. Commissioners must also document contacts with county staff who make recommendations to BCC or make regulatory decisions. Notebooks turned in to Clerk at end of each quarter. Lobbyists must register each year and must file quarterly statements of lobbying expenditures (including sources of funds).

Enforcement/Penalties: \$500.00 or 60 days. No other mechanism specified.

BROWARD COUNTY

Application: Lobbyists are those who lobby, either directly or indirectly through others, members of the BCC regarding any matter which may be acted upon by the BCC. Individuals representing themselves are not required to register.

Requirements: Each lobbyist must register and file annual expenditure reports (including sources of funds) with the county administrator.

Enforcement/Penalties: \$500.00 or 60 days. No other mechanism specified.

HILLSBOROUGH COUNTY

Application: Lobbyists are those who, on behalf of another, lobby members of the BCC, the County Administrator, Assistant County Administrators, Department Heads, the County Attorney or any Chief Assistant County Attorney regarding matters pending before or to be presented to the BCC. Individuals representing themselves are exempt. Contacts initiated by the members of the BCC, the County Administrator, Assistant County Administrators, Department Heads, the County Attorney or any Chief Assistant County Attorney are exempt.

Requirements: Lobbyists register at the time of each contact. Outside contacts are reported by the lobbyist. Lobbyists must file an annual expenditure report (including source of funds).

Enforcement/Penalties: First violation—warning by the County Attorney. Subsequent violations—a fine not to exceed \$500.00.

JACKSONVILLE/DUVAL COUNTY

Application: Lobbyists are those who lobby, for compensation, any officer or employee.

Requirements: Lobbyists must register each year and are prohibited from lobbying unless registered.

Enforcement/Penalties: Knowing, willful violations are class A offenses (assume \$500.00 or 60 days as that is the maximum penalty under state law).

MIAMI-DADE COUNTY

Application: Lobbyists are those who lobby, for compensation, the Mayor, members of the BCC, the County Attorney, Assistant County Attorneys, the County Manager, Assistant County Managers, Special Assistants to the County Manager, heads or directors of County departments and their assistant or deputy department heads, Police Department employees of the rank of captain, major and chief, and building and zoning inspectors, regarding matters before or foreseeably to be heard by the BCC or any County board or committee. Lobbyists include principals, agents, officers and employees. Individuals representing themselves are not required to register. Persons representing a not for profit group (such as charitable organizations, neighborhood associations, trade unions) who are not paid additional amounts for lobbying must register but, upon request, may waive the fee. Lobbyists must also file an authorization to represent signed by the principal.

Requirements: File a separate registration for each specific issue to be lobbied and pay a fee of \$125.00 at the time of registration. Also register for a two year period and pay a fee of \$500.00. File an annual statement of lobbying expenditures, broken down by category, of all amounts in excess of \$25.00.

Enforcement: The Clerk of the BCC notifies those who have failed to file expenditure reports. The County Ethics Commission investigates other violations.

Penalties: Fine of \$50.00 per day for each day expenditure reports are not timely filed. Ethics Commission may prohibit lobbyists from registering or lobbying for 90 days (1st violation) to 5 years (3rd violation). Bidders may be debarred for 3 or more violations. Violators also subject to criminal prosecutions.

ORDINANCE ESTABLISHING LOBBYIST REGISTRATION REQUIREMENTS; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION OF LOBBYISTS; PROVIDING FOR NOTICE OF INTENT TO LOBBY REGARDING SPECIFIC MATTERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

WHEREAS, the Board of County Commissioners (BCC) finds and determines that registration of lobbyists and reporting of intent to lobby regarding specific matters are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Definitions. As used in this section, the following terms are defined:

- (a) BCC means the Seminole County Board of County Commissioners.
- (b) Compensation means fees, a retainer, payments pursuant to a contract, salary, wages, and any other form of payment of money or other valuable consideration of any kind, whether monetary or nonmonetary, however, does not include reimbursement of actual out-of-pocket expenses.
- (c) Covered Person means any elected member of the BCC.

(d) A Director of a principal is a person on the board of directors of the principal.

(e) Lobby or lobbying means to communicate, directly or through one or more intermediaries, with a covered person in an attempt to influence any official action. The term also includes efforts to inform a covered person of the issues involved in an official action.

(f) Lobbyist means any person, firm, partnership, corporation or other legal entity that receives compensation to lobby on behalf of a principal. The term includes an employee, full or part time, of a person, firm, partnership, corporation or other legal entity which employee is paid, in whole or in part, to lobby. The term does not include: (1) an employee or elected official of Seminole County while engaged in his or her official duties; or (2) an individual representing him or her self.

(g) A Manager of a principal is a person employed by the principal in the highest executive position, whether it be the chief executive officer, chief financial officer, chief operating officer or other such denomination.

(h) An Officer of a principal is a person employed as a president, vice president, secretary, or treasurer.

(i) Official action means, with respect to any ordinance, resolution, contract, agreement, bid, purchase, interlocal agreement, franchise, license, permit, development permit, rezoning, zoning action, comprehensive plan amendment or any other type of governmental act, the approval, denial, adoption, repeal, passage, rescission, modification, amendment, creation, or defeat thereof. The intent of this definition is to

describe the end product of any type of decision making process engaged in by the BCC.

(j) Owner(s) of a principal means:

(1) if the principal is an individual, the individual; or

(2) if the principal is a partnership, the partners or, in the event of a limited partnership, the general partner(s); or

(3) if the principal is a corporation or a limited liability company or a professional association, each person or entity owning, directly or indirectly, more than a five per cent (5%) interest in the entity; or

(4) if the principal is a trust, the trustee(s) and all beneficiaries.

(k) Principal means any person, partnership, corporation, limited liability company, professional association, trust, or other entity, whether private or public, which contracts for, employs, retains or otherwise engages the services of a lobbyist.

Section 2. Registration of Lobbyists.

(a) Each lobbyist shall be registered before engaging in any lobbying activities. Registration shall be on a calendar year basis and on a form provided by the County Manager. The information required to register shall include, at a minimum:

(1) The lobbyist's name, business name, if different, and business address;

(2) The name and business address of each principal represented, if any;

(3) The name(s) of the owner(s) of each principal;

(4) The name(s) of the manager(s), officer(s) and director(s) of each principal; and

(5) Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with any covered person. It is the intent of this subsection (5) to require disclosure of all relationships with elected officials. In the event of any question regarding the need to disclose such a relationship, the lobbyist is to resolve the question in favor of disclosure.

(b) Each lobbyist shall pay an annual registration fee of twenty dollars (\$20.00), regardless of the amount of time remaining in the calendar year of the initial registration and regardless of the number of principals represented. There shall be no additional fee for a currently registered lobbyist to register as to additional principals.

Section 3. Notice of Intent to Lobby Specific Matters. In addition to the filing the annual registration, each lobbyist shall, before lobbying with respect to a specific issue or matter, file a notice of intent to lobby with respect to that specific issue or matter. The notice shall: (1) be on a form provided by the County Manager; and (2) specify the principal(s) being represented with respect to the specific issue or matter; and (3) clearly identify the specific issue or matter.

Section 4. Enforcement.

(a) An allegation of a violation of this ordinance shall be filed with any member of the BCC. A majority of the BCC may direct that there be an investigation of the allegation by County staff or that the matter be referred to the State Attorney's Office.

(b) If, after staff investigation and a hearing before the BCC where the lobbyist is given notice of and an opportunity to defend against the allegations, the BCC determines that a violation has occurred, then the BCC may issue a warning or reprimand or suspend or revoke the lobbyist's registration. The rules of evidence shall not be strictly applied at any such hearing. The BCC's decision shall be subject to review by certiorari in the Circuit Court if filed within thirty (30) days after the date of the hearing as the BCC's decision shall be deemed rendered when announced.

(c) The penalty for violations prosecuted by the State Attorney shall be that prescribed by law for violations of ordinances.

(d) The BCC may authorize a request for injunctive relief in such circumstances as the BCC deems appropriate.

Section 5. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this ordinance and the balance of this Ordinance shall not be affected thereby.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and that the word "Ordinance" may be changed to "section," "article," or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 5, 6, and 7 shall not be codified.

Section 7. Effective Date. This Ordinance shall become effective upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2001.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DICK VAN DER WEIDE, CHAIRMAN

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10/4/00
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SEMINOLE COUNTY ATTORNEY'S OFFICE
BRIEFING ITEM
October 24, 2000

Action Requested:

LOBBYING ORDINANCE.

Authorization:

 County Attorney

BCA00

Attached are a draft ordinance, which includes staff's recommendations; and a synopsis of various lobbying ordinances. The policy issues involved in the draft ordinance will be discussed separately, with various alternatives and a recommendation regarding each one.

COVERAGE OF THE ORDINANCE

There are two issues: (1) who is a lobbyist and (2) who is being lobbied.

(1) All the ordinances cover those who lobby for compensation. The most extensive definition of a lobbyist is in the Miami-Dade County ordinance. It includes principals, agents, officers and employees. Individuals representing themselves are not required to register as a lobbyist. Persons representing a not for profit group (such as charitable organizations, neighborhood associations, trade unions) who are not paid additional amounts for lobbying must register, however, the fee may be waived.

Staff Recommendation: The definition of a lobbyist attempts to be all inclusive except for individuals representing themselves, County staff and County elected officials. This approach is recommended as the registration requirements are neither onerous nor expensive and drawing other lines becomes difficult.

(2) All the ordinances cover the Board of County Commissioners. The Lee County and Miami-Dade County ordinances cover the largest group of others. Coverage can include Commission staff, the County Manager and Assistant or Deputy County Managers, the County Attorney and Assistant County Attorneys, department heads, division heads, purchasing department staff, building and zoning inspectors, and boards under the jurisdiction of the BCC such as Planning and Zoning, Board of Adjustment, Code Enforcement, etc.

Staff Recommendation: The draft ordinance covers only the members of the Board of County Commissioners. The Board is the ultimate authority regarding County business.

REQUIREMENTS

The common element is annual lobbyist registration. Miami-Dade County also requires registration as to each issue being lobbied. Most require reporting of contacts between lobbyists and covered persons. Lee County requires each covered person to carry a notebook to record all covered contacts. Others require lobbyists to report contacts occurring at places where contact logs are not maintained. Broward and Duval counties only require annual registration. Only Broward County does not require reporting of

lobbying expenditures. Most require annual reports of expenditures. Some limit the reports to lobbyists' expenditures, others require reports of the principal's expenses.

Staff Recommendation: Staff believes that an annual registration and a notice of intent to lobby an issue are sufficient requirements. With regard to expenditures, state law already requires reporting of gifts and financial disclosure, so there appears to be little to be gained by creating an additional reporting requirement.

ENFORCEMENT

The minimalist approach is represented by Broward, Lee and Duval counties--\$500.00 or 60 days (prosecution of an ordinance violation). Others provide for the BCC to warn, reprimand, censure or suspend lobbying privileges. Miami-Dade County has a County Ethics Commission which can investigate complaints and prohibit lobbying for specified time periods.

Staff Recommendation: Staff believes that alleged violations should come to Board members as they are the ones subject to being lobbied, they are the ones who will most likely have to testify should there be a hearing or prosecution and they are the ones in the best position to determine how allegations should be disposed of. The ordinance allows for the BCC to hear a case or refer it to the State Attorney's Office for prosecution.

FEES

The lowest is Orange County--\$10.00 per annual lobbyist registration (no extra charge for multiple principals). The highest is Miami-Dade County--\$500.00 for 2 years and \$125.00 per issue.

Staff Recommendation: The draft ordinance requires a \$20.00 annual registration fee. No additional fee for notices of intent to lobby specific issues or for additional principals.

FORMER EMPLOYEES

Staff Recommendation: Staff recommends against prohibiting former employees from lobbying. If the BCC elects to include such a prohibition, staff would recommend that the time period be limited to six (6) months rather than the two (2) years allowed by statute.

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WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

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- (c) Covered Person means any elected member of the BCC.

(d) A Director of a principal is a person on the board of directors of the principal.

(e) Lobby or lobbying means to communicate, directly or through one or more intermediaries, with a covered person in an attempt to influence any official action. The term also includes efforts to inform a covered person of the issues involved in an official action.

(f) Lobbyist means any person, firm, partnership, corporation or other legal entity that receives compensation to lobby on behalf of a principal. The term includes an employee, full or part time, of a person, firm, partnership, corporation or other legal entity which employee is paid, in whole or in part, to lobby. The term does not include: (1) an employee or elected official of Seminole County while engaged in his or her official duties; or (2) an individual representing him or her self.

(g) A Manager of a principal is a person employed by the principal in the highest executive position, whether it be the chief executive officer, chief financial officer, chief operating officer or other such denomination.

(h) An Officer of a principal is a person employed as a president, vice president, secretary, or treasurer.

(i) Official action means, with respect to any ordinance, resolution, contract, agreement, bid, purchase, interlocal agreement, franchise, license, permit, development permit, rezoning, zoning action, comprehensive plan amendment or any other type of governmental act, the approval, denial, adoption, repeal, passage, rescission, modification, amendment, creation, or defeat thereof. The intent of this definition is to

describe the end product of any type of decision making process engaged in by the BCC.

(j) Owner(s) of a principal means:

(1) if the principal is an individual, the individual; or

(2) if the principal is a partnership, the partners or, in the event of a limited partnership, the general partner(s); or

(3) if the principal is a corporation or a limited liability company or a professional association, each person or entity owning, directly or indirectly, more than a five per cent (5%) interest in the entity; or

(4) if the principal is a trust, the trustee(s) and all beneficiaries.

(k) Principal means any person, partnership, corporation, limited liability company, professional association, trust, or other entity, whether private or public, which contracts for, employs, retains or otherwise engages the services of a lobbyist.

Section 2. Registration of Lobbyists.

(a) Each lobbyist shall be registered before engaging in any lobbying activities. Registration shall be on a calendar year basis and on a form provided by the County Manager. The information required to register shall include, at a minimum:

(1) The lobbyist's name, business name, if different, and business address;

(2) The name and business address of each principal represented, if any;

(3) The name(s) of the owner(s) of each principal;

(4) The name(s) of the manager(s), officer(s) and director(s) of each principal; and

(5) Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with any covered person. It is the intent of this subsection (6) to require disclosure of all relationships with elected officials. In the event of any question regarding the need to disclose such a relationship, the lobbyist is to resolve the question in favor of disclosure.

(b) Each lobbyist shall pay an annual registration fee of twenty dollars (\$20.00), regardless of the amount of time remaining in the calendar year of the initial registration and regardless of the number of principals represented. There shall be no additional fee for a currently registered lobbyist to register as to additional principals.

Section 3. Notice of Intent to Lobby Specific Matters. In addition to the filing the annual registration, each lobbyist shall, before lobbying with respect to a specific issue or matter, file a notice of intent to lobby with respect to that specific issue or matter. The notice shall: (1) be on a form provided by the County Manager; and (2) specify the principal(s) being represented with respect to the specific issue or matter; and (3) clearly identify the specific issue or matter.

Section 4. Enforcement.

(a) An allegation of a violation of this ordinance shall be filed with any member of the BCC. A majority of the BCC may direct that there be an investigation of the allegation by County staff or that the matter be referred to the State Attorney's Office.

(b) If, after staff investigation and a hearing before the BCC where the lobbyist is given notice of and an opportunity to defend against the allegations, the BCC determines that a violation has occurred, then the BCC may issue a warning or reprimand or suspend or revoke the lobbyist's registration. The rules of evidence shall not be strictly applied at any such hearing. The BCC's decision shall be subject to review by certiorari in the Circuit Court if filed within thirty (30) days after the date of the hearing as the BCC's decision shall be deemed rendered when announced.

(c) The penalty for violations prosecuted by the State Attorney shall be that prescribed by law for violations of ordinances.

(d) The BCC may authorize a request for injunctive relief in such circumstances as the BCC deems appropriate.

Section 5. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this ordinance and the balance of this Ordinance shall not be affected thereby.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and that the word "Ordinance" may be changed to "section," "article," or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 6, 7 and 8 shall not be codified.

Section 7. Effective Date. This Ordinance shall become effective upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2000.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, CHAIRMAN

SPL/gn
10/4/00
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SYNOPSIS OF LOBBYING REGISTRATION ORDINANCES

ORANGE COUNTY

Application: Lobbyists are those who receive compensation to lobby on behalf of a principal. Activities covered are the lobbying of county chairman and his or her staff, members of BCC and members of their staff, county administrator, deputy or assistant county administrator, county attorney, division directors and department managers regarding matters upon which the BCC may act. No lobbying of Procurement Committee.

Requirements: Annual Registration (\$10.00 fee per lobbyist, not principal), maintain log of office contacts (all office contacts, including citizen contacts must be logged). Lobbyist provides record of outside contacts. Annual report of lobbying expenditures of lobbyist, not those of principal.

Enforcement: County Manager or County Attorney (or designee) receives and investigates complaints. Reports results to BCC.

Penalties: BCC may warn, reprimand, censure or prohibit lobbying for up to 2 years. Failure to abide by BCC order subject to injunctive relief or penalties provided by law.

PINELLAS COUNTY

Application: Lobbyists are those who lobby for compensation. Activities covered are lobbying of members of the BCC regarding matters pending before the BCC.

Requirements: Lobbyists register each contact, at time of contact. Lobbyists report outside contacts. Annual reporting of lobbying expenditures (including sources of funds).

Enforcement: Failure to file annual expenditure report not permitted to register. Other violations, first violation results in warning by County Attorney. Subsequent violations subject to prosecution.

Penalties: Warning (see above), prohibition against registration (see above) or \$500.00 or 60 days.

LEE COUNTY

Application: Lobbyists are those who lobby on behalf of another (paid or unpaid). Individuals who are not paid and who represent themselves are exempt. Individuals appearing at a public hearing and speaking on their own behalf are exempt. Activities covered are lobbying of members of BCC, members of any decision making body under jurisdiction of BCC, County Administrator, Assistant and Deputy County Administrators, County Attorney and Assistant County Attorneys, Director of the Port Authority, Department Heads, Division Heads, Office Directors, and all employees of the Purchasing Department (excluding secretarial staff) regarding any item which may be presented to BCC or the decision making body.

Requirements: Members of BCC and County staff identified above must keep notebooks documenting all lobbying contacts. Commissioners must also document contacts with county staff who make recommendations to BCC or make regulatory decisions. Notebooks turned in to Clerk at end of each quarter. Lobbyists must register each year and must file quarterly statements of lobbying expenditures (including sources of funds).

Enforcement/Penalties: \$500.00 or 60 days. No other mechanism specified.

BROWARD COUNTY

Application: Lobbyists are those who lobby, either directly or indirectly through others, members of the BCC regarding any matter which may be acted upon by the BCC. Individuals representing themselves are not required to register.

Requirements: Each lobbyist must register and file annual expenditure reports (including sources of funds) with the county administrator.

Enforcement/Penalties: \$500.00 or 60 days. No other mechanism specified.

HILLSBOROUGH COUNTY

Application: Lobbyists are those who, on behalf of another, lobby members of the BCC, the County Administrator, Assistant County Administrators, Department Heads, the County Attorney or any Chief Assistant County Attorney regarding matters pending before or to be presented to the BCC. Individuals representing themselves are exempt. Contacts initiated by the members of the BCC, the County Administrator, Assistant County Administrators, Department Heads, the County Attorney or any Chief Assistant County Attorney are exempt.

Requirements: Lobbyists register at the time of each contact. Outside contacts are reported by the lobbyist. Lobbyists must file an annual expenditure report (including source of funds).

Enforcement/Penalties: First violation—warning by the County Attorney. Subsequent violations—a fine not to exceed \$500.00.

JACKSONVILLE/DUVAL COUNTY

Application: Lobbyists are those who lobby, for compensation, any officer or employee.

Requirements: Lobbyists must register each year and are prohibited from lobbying unless registered.

Enforcement/Penalties: Knowing, willful violations are class A offenses (assume \$500.00 or 60 days as that is the maximum penalty under state law).

MIAMI-DADE COUNTY

Application: Lobbyists are those who lobby, for compensation, the Mayor, members of the BCC, the County Attorney, Assistant County Attorneys, the

County Manager, Assistant County Managers, Special Assistants to the County Manager, heads or directors of County departments and their assistant or deputy department heads, Police Department employees of the rank of captain, major and chief, and building and zoning inspectors, regarding matters before or foreseeably to be heard by the BCC or any County board or committee.

Lobbyists include principals, agents, officers and employees. Individuals representing themselves are not required to register. Persons representing a not for profit group (such as charitable organizations, neighborhood associations, trade unions) who are not paid additional amounts for lobbying must register but, upon request, may waive the fee. Lobbyists must also file an authorization to represent signed by the principal.

Requirements: File a separate registration for each specific issue to be lobbied and pay a fee of \$125.00 at the time of registration. Also register for a two year period and pay a fee of \$500.00. File an annual statement of lobbying expenditures, broken down by category, of all amounts in excess of \$25.00.

Enforcement: The Clerk of the BCC notifies those who have failed to file expenditure reports. The County Ethics Commission investigates other violations.

Penalties: Fine of \$50.00 per day for each day expenditure reports are not timely filed. Ethics Commission may prohibit lobbyists from registering or lobbying for 90 days (1st violation) to 5 years (3rd violation). Bidders may be debarred for 3 or more violations. Violators also subject to criminal prosecutions.