

PROPOSED ORDINANCE NO. 2011-31

ORDINANCE NO. 1712

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING TITLE III OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES, ENTITLED "ADMINISTRATION"; BY SPECIFICALLY CREATING SECTION 30.70 THROUGH SECTION 30.76, TO BE COLLECTIVELY REFERRED TO AS THE "PEMBROKE PINES LOBBYIST REGISTRATION ACT"; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR FILING OF A CONTACT LOG; PROVIDING FOR A PROHIBITION ON USE OF LOBBYING STATEMENTS; PROVIDING FOR CONTINGENCY FEES, AND DISCLOSURES; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County recently enacted Ordinance #2011-19, requiring all municipalities in Broward County to establish lobbyist registration procedures; and

WHEREAS, the City Commission deems it to be in the best interests of the City to enact lobbyist registration regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1: The foregoing "WHEREAS" clause is hereby ratified as true and correct and is incorporated herein by this reference.

Section 2: Title III, of the Code of Ordinances of the City of Pembroke Pines, entitled "Administration", is hereby amended by creating Section 30.70 through Section 30.76, to be collectively referred to as the "Pembroke Pines Lobbyist Registration Act," as follows:

PEMBROKE PINES LOBBYIST REGISTRATION ACT

1 of 7

SSG/JGH 11-9-11

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Sec. 30.70. Title; intent and purpose.

(a) Sections 30.70 through 30.76 of Title III, Pembroke Pines Code of Ordinances, may be cited as the "Pembroke Pines Lobbyist Registration Act."

(b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The City Commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence City Commissioners and decision-making bodies under the jurisdiction of the City Commission.

Sec. 30.71. Definitions.

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

(a) *Board* means the City Commission of Pembroke Pines, Florida or any other decision-making body under the jurisdiction of the City Commission.

(b) *Lobbying or lobbying activities* means a communication, by any means, from a lobbyist to a member of a Board regarding any item that will foreseeably be decided by the Board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

(c) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(d) *"Lobbyist"* means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

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- (1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Sec. 30.72. Lobbyist registration and statements.

- (a) *Registration Statement Required.* By January 2, 2012 and annually thereafter, every lobbyist shall file with the City Clerk 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 all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the City Clerk, containing all the information required in the annual registration statement.

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- c. The 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 of Pembroke Pines. 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 this subsection.

(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) *Fees.* A Lobbyist shall pay to the City Clerk's Office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the City Commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

Sec. 30.73. Filing of Contact Log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the Board for the purpose of engaging in lobbying activities, either at the Board member's offices or elsewhere on City premises, must legibly complete a contact log listing each member of the Board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

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- (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

Sec. 30.74. 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.

Sec. 30.75. Contingency fees; disclosure

- (a) "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.
- (b) A lobbyist shall separately disclose to the City Clerk any compensation received in the form of contingency.

Sec. 30.76. Penalties.

- (a) The City Attorney or City Manager, or their designee, 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 City 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 City Commission or any decision-making body under the jurisdiction of the City Commission or from otherwise lobbying

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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.

(c) The validity of any action taken by the City Commission, city employees, or any decision-making body under the jurisdiction of the City Commission, shall not be affected by the failure of any person to comply with the provisions of this Article.

(d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the Broward County Office of the Inspector General as provided for by Article XII of the Broward County Charter.

Section 3: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Pembroke Pines, Florida.

Section 4: That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

Section 5: That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 6: That this Ordinance shall become effective immediately upon the date of adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 7th DAY OF DECEMBER, 2011.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 21st DAY OF DECEMBER, 2011 .

CITY OF PEMBROKE PINES, FLORIDA

By: _____

MAYOR FRANK C. ORTIS

ATTEST: _____

JUDITH A. NEUGENT, CITY CLERK

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CASTILLO

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APPROVED AS TO FORM:

McCLUSKEY

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SHECHTER

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OFFICE OF THE CITY ATTORNEY

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