ORDINANCE NO. 13-1599

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Commission has a desire to update its lobbyist registration and fee procedures that regulate the standards of conduct and behavior for those appearing before Town officials; and

WHEREAS, there is a need to amend the Town's lobbyist registration and fee structure to clarify and encourage a more effective and efficient lobbyist registration system and to adopt and incorporate the forms which are attached for informational purposes only; and

WHEREAS, the adoption of an amended lobbyist ordinance is in the best interests of the Town of Surfside.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals**. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance

Section 2. **Code Amendment**. The Code of the Town of Surfside, Florida is hereby amended as follows:

Section 2-235. – Lobbying.

This section shall be applicable lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of this section shall be applied in a cumulative manner.

(1) *Definitions.* For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below.

a. *Town personnel.* Those Town officers and employees specified to include the mayor and town commissioners, town board or town committee members, and all town employees.

b. *Lobbyist.* 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 town commission; (2) any action, decision, recommendation of town board or committee; or (3) any action, decision or recommendation of Town 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 town commission, or a town board or committee. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item~~ or attorneys who represent a client in relation to any quasi-judicial matter.~~

c. *Principal.* All persons, firms, or corporations who employ a lobbyist.

(2) Lobbyist Registration, Fees, Renewal and Withdrawal.

a. All lobbyists shall register with the Town Clerk before engaging in any lobbying activities in the Town. Every person required to register as a lobbyist shall:

i. Register as a lobbyist.

1. Complete the annual lobbyist registration form, as prepared by the town clerk, stating under oath his or her name, business address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified.

2. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent (5%) or more ownership interest in the corporation, partnership, or trust.

ii. Pay an annual lobbyist registration fee of $250.00.

iii. Register and disclose terms for each principal represented.

1. Complete the annual principal registration form, as prepared by the Town Clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath, his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is authorized to represent him/her/it, together with a disclosure of ~~whether any bonuses, success fees, or other consideration shall be received for such lobbying activities.~~ <u>the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any bonuses, success fees, or other consideration shall be received for such lobbying activities. In the alternative, such</u>

lobbyist shall submit to the Town Clerk a joint affidavit, sign by the lobbyist and his/her principal, disclosing the terms amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.

2. Pay an annual Principal Registration fee of $100.00.
3. However, if multiple lobbyists from the same firm represent the same principal, only one registration and applicable fee are required to be filed for that principal. Any lobbyist from the same firm may submit the necessary documents.

iv. File a lobbyist expenditure report.

1. By January 15th of each year, all lobbyists shall submit to the town clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. 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, and town personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the town clerk.
2. The town clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, 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 January 15th shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the special master of the Town of Surfside.
3. A lobbyist or principal may appeal a fine and may request a hearing before the ~~town commission.~~ special master for the Town of Surfside. A request for hearing on the fine must be filed with the ~~town clerk~~ special master within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.

v. File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.

b. All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the town clerk. Such forms may be amended from time to time administratively.

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Section 3. **Severability**. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in the Code**. It is the intention of the Commission, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the code of the Town of Surfside, Florida; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "ordinance" shall be changed to "section" or other appropriate word, as required.

Section 5. **Conflict**. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. **Effective Date**. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading November 13, 2012

PASSED and ADOPTED on second reading January 15, 2013

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Kligman

On Second Reading Seconded by: Vice Mayor Karukin

Vote:

Mayor Daniel Dietch	yes ✓	no_____
Vice Mayor Michael Karukin	yes ✓	no_____
Commissioner Graubart	yes ✓	no_____
Commissioner Kligman	yes ✓	no_____
Commissioner Olchyk	yes ✓	no_____