

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.~~ 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

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.

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	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Graubart	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kligman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>



TOWN OF SURFSIDE
LOBBYIST EXPENDITURE REPORT FORM

Office of the Town Clerk, 9293 Harding Avenue, Surfside, FL 33154

Telephone (305) 861-4863 Fax (305) 861-1302

Calendar Year: _____

Town Clerk's Date Stamp

- NOTE:**
- All Lobbyist and Principal (Client) Registrations automatically expire on December 31st of each year.
 - A separate Principal (Client) registration is required for each principal (client).
 - Each person who withdraws as a lobbyist must file a "Notice of Withdrawal" with the Town Clerk.
 - Lobbyist Expenditure Reports must be filed with the Town Clerk by January 15th of each year.
 - Lobbyist Expenditure Reports must be filed even if you have no expenditures for the calendar year.
 - All lobbyist & principal registration forms, reports, & notices of withdrawal shall be submitted to the Town Clerk.

I. Lobbyist Information

Last Name	First Name	Middle Initial
Business/Firm Name		
Business Address	City	State Zip
()	()	
Phone	Fax	E-Mail

II. Expenditures

Expenditures include, but are not limited to meals, entertainment, research, communications, media/advertising, publications, travel, lodging, special event, gifts for public officers and employees, and more for the preceding calendar year.

Item	Amount	Name and Address of Person on Behalf of Whom Expenditure Was Made	Nature of kind of expenditure for or on behalf of lobbyist.
1.			
2.			
3.			
4.			

II. Lobbyist Oath

"I, the undersigned registrant, do hereby depose under oath and say that the information disclosed herein and on any attachment hereto is true and correct."

Signature of Lobbyist

State of Florida, County of _____

Sworn to and subscribed before me this _____

day of _____, 200_____

_____ Personally known or _____ Produced ID

Type of ID Produced: _____

Notary Public in and for the State of Florida at Large

Notary Seal:

For Office Use Only: Accepted Rejected If rejected, state reason _____

Date Logged: _____ / _____ / _____ Initials: _____



TOWN OF SURFSIDE

LOBBYIST REGISTRATION FORM

Office of the Town Clerk, 9293 Harding Avenue, Surfside, FL 33154
Telephone (305) 861-4863 Fax 305 861-1302

Town Clerk's Date Stamp

Calendar Year: _____

- NOTE:**
- All Lobbyist and Principal (Client) Registrations automatically expire on December 31st of each year.
 - A separate Principal (Client) registration is required for each principal (client).
 - Each person who withdraws as a lobbyist must file a "Notice of Withdrawal" with the Town Clerk.
 - Lobbyist Expenditure Reports must be filed with the Town Clerk by January 15th of each year.
 - Lobbyist Expenditure Reports must be filed even if you have no expenditures for the calendar year.
 - All lobbyist & principal registration forms, reports, & notices of withdrawal shall be submitted to the Town Clerk.

I. Lobbyist Information

Last Name

First Name

Middle Initial

Business/Firm Name

Business Address

City

State

Zip

(_____) _____
Phone

Fax

(_____) _____
E-Mail

II. Lobbyist Oath

"I do solemnly swear that all facts contained on this Lobbyist Registration Form are true and correct and that I have read and am familiar with the provisions of Town of Surfside Code Section _____, including registration, reporting, fee disclosure, and withdrawal requirements contained therein."

State of Florida, County of _____

Sworn to and subscribed before me this _____

day of _____, 200_____.

_____ Personally known or _____ Produced ID

Type of ID Produced: _____

Signature of Lobbyist

Notary Public in and for the State of Florida at Large

Notary Seal:

Pursuant to Section _____ of the Town of Surfside Municipal Code, have you been employed by the Town within the last two years?

Yes No If yes, state position held. _____

Pursuant to Section _____ of the Town of Surfside Municipal Code, any person who registers as a lobbyist shall state the extent of any business or professional relationship with any member of the Town Commission. _____

I have enclosed my \$250.00 Annual Registration Fee.

For Office Use Only: Fee: **\$250.00 effective through 12/31/** _____

Check # _____

Accepted _____

Rejected _____

If rejected, state reason _____

Date Logged: _____/_____/_____

Initials: _____



TOWN OF SURFSIDE LOBBYIST WITHDRAWAL FORM

Office of the Town Clerk, 9293 Harding Avenue, Surfside, FL 33154
Telephone (305) 861-4863 Fax (305) 861-1302

Calendar Year: _____

Town Clerk's Date Stamp

- NOTE:**
- All Lobbyist and Principal (Client) Registrations automatically expire on December 31st of each year.
 - A separate Principal (Client) registration is required for each principal (client).
 - Each person who withdraws as a lobbyist must file a "Notice of Withdrawal" with the Town Clerk.
 - Lobbyist Expenditure Reports must be filed with the Town Clerk by January 15th of each year.
 - Lobbyist Expenditure Reports must be filed even if you have no expenditures for the calendar year.
 - All lobbyist & principal registration forms, reports, & notices of withdrawal shall be submitted to the Town Clerk.

I. Lobbyist Information

Last Name			First Name			Middle Initial		
Business/Firm Name								
Business Address				City		State		Zip
()			()					
Phone			Fax			E-Mail		

II. Principal Information

Last Name			First Name			Middle Initial		
Business/Firm Name								
Business Address				City		State		Zip
()			()					
Phone			Fax			E-Mail		

Date Representation Ended: _____

Subject Matter: _____

Signature of Lobbyist

For Office Use Only: Date Logged: ____/____/____ Initials: _____



**TOWN OF SURFSIDE
PRINCIPAL (CLIENT) REGISTRATION AND FEE
DISCLOSURE FORM**

Office of the Town Clerk, 9293 Harding Avenue, Surfside, FL 33154
Telephone (305) 861-4863 Fax (305) 861-1302

Calendar Year: _____

Town Clerk's Date Stamp

- NOTE:**
- All Lobbyist and Principal (Client) Registrations automatically expire on December 31st of each year.
 - A separate Principal (Client) registration is required for each principal (client).
 - Each person who withdraws as a lobbyist must file a "Notice of Withdrawal" with the Town Clerk.
 - Lobbyist Expenditure Reports must be filed with the Town Clerk by January 15th of each year.
 - Lobbyist Expenditure Reports must be filed even if you have no expenditures for the calendar year.
 - All lobbyist & principal registration forms, reports, & notices of withdrawal shall be submitted to the Town Clerk.

I. Lobbyist Information

Last Name First Name Middle Initial

Business/Firm Name

Business Address City State Zip

(_____) (_____) _____
Phone Fax E-Mail

II. Principal Information

\$100 Fee Due:

No Fee Due: *Duplicate Clients of* _____.

Last Name First Name Middle Initial

Business/Firm Name

Business Address City State Zip

(_____) (_____) _____
Phone Fax E-Mail

Other Principals or Interests holding directly or indirectly a 5% or more ownership interest (pursuant to Section ____ of the Town of Surfside Municipal Code).

Subject Matter (Must be specific & describe in detail!): _____

Identify each individual (Mayor, Commissioner, Board, Committee, or City staff) to be lobbied: _____

**TOWN OF SURFSIDE
PRINCIPAL (CLIENT) REGISTRATION AND FEE DISCLOSURE**

FORM Town of Surfside - Office of the Town Clerk, 9293 Harding Avenue, Surfside, Florida 33154
Telephone (305) 861-4863 Fax (305) 861-1302

Calendar Year: _____

III. Fee Disclosure Check one.

Town of Surfside Municipal Code Section _____ requires the disclosure of terms and 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 to lobby.

Attached is a copy of the fee letter, indicating any bonuses, success fees, or other considerations to be received for said lobbying activity.
Or

The terms and amount of compensation (to be paid) to lobbyist with regard to the specific issue on which the lobbyist has been engaged is as follows:

Terms: _____

Conditions: _____

Other: _____

Note: Violation of this ordinance or any false statements made on this disclosure statement may render decisions on issues being lobbied voidable.

IV. Oaths

Lobbyist:

I, the undersigned registrant, do hereby depose under oath and say that the information disclosed herein and on any attachment hereto is true and correct.

State of Florida, County of _____
Sworn to and subscribed before me this _____ day of _____, 20____.
_____ Personally known or _____ Produced ID
Type of ID Produced: _____

Signature of Lobbyist

Notary Public in and for the State of Florida at Large
Notary Seal:

Principal:

I, the undersigned registrant, do hereby depose under oath and say that the information disclosed herein and on any attachment hereto is true and correct.

State of Florida, County of _____
Sworn to and subscribed before me this _____ day of _____, 20____.
_____ Personally known or _____ Produced ID
Type of ID Produced: _____

Signature of Principal

Notary Public in and for the State of Florida at Large
Notary Seal:

For Office Use Only: \$100 Fee Due: Check # _____ No Fee Due: Duplicate Clients of _____
Accepted _____ Rejected _____ If rejected, state reason _____
Date Logged: _____ / _____ / _____ Initials: _____