

ORDINANCE NO. 18 - 1679

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” REGARDING LOBBYISTS’ APPEAL OF FINES FOR EXPENDITURE REPORTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town of Surfside (“Town”) Commission adopted a Code of Ethics on
2 April 10, 2007 establishing standards of conduct for current and former town officials, employees
3 and persons doing business with the Town; and

4 **WHEREAS**, the Town Commission subsequently amended the Code of Ethics on January
5 15, 2013, December 9, 2014, February 16, 2017 and December 13, 2017 to impose additional
6 regulations on lobbyists and include an honor code for elected and appointed Town officials and
7 employees; and

8 **WHEREAS**, the Town Commission desires to further amend the Code of Ethics in Article
9 VII of the Town Code for consistency and to address lobbyists’ appeals of fines for failure to file
10 required expenditure reports.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
12 **TOWN OF SURFSIDE, FLORIDA:**¹

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14 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
15 this reference.

16 **Section 2. Town Code Amended.** Section 2-235 – “Lobbying” of the Surfside Town
17 Code of Ordinances is hereby amended and shall read as follows:

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¹Additions to the text are shown in underline. Deletions are shown in ~~striketrough~~. Additions made after first reading are shown in double underline. Deletions made after first reading are shown in ~~double striketrough~~.

20 Sec. 2-235. - Lobbying.

21 * * *

22 (2) *Lobbyist registration, fees, renewal and withdrawal.*

23 a. All lobbyists shall register with the town clerk before engaging in any lobbying
24 activities in the town. Every person required to register as a lobbyist shall:

25 * * *

26 iv File a lobbyist expenditure report.

27 1. By January 15 of each year, all lobbyists shall submit to the town clerk a
28 signed statement under oath listing all lobbying expenditures for the
29 preceding calendar year. The statement shall list in detail each expenditure
30 by category, including food and beverage, entertainment, research,
31 communication, media advertising, publications, travel, lodging and special
32 events, and town personnel on whose behalf or benefit the expenditure was
33 made. A statement shall be filed even if there have been no expenditures
34 during the reporting period. Annual statements shall be required until such
35 time as the lobbyist files a notice of withdrawal of lobbying activities with
36 the town clerk.

37 2. The town clerk shall notify any lobbyist who fails to timely file an
38 expenditure report. In addition to any other penalties which may be
39 imposed, a fine of \$50.00 per day shall be assessed for reports filed after the
40 due date. Any lobbyist who fails to file the required expenditure report by
41 ~~January-February~~ 15 shall be automatically suspended from lobbying until
42 all fines are paid, unless the fine has been appealed to the ~~special master of~~
43 ~~the Town of Surfside~~ Miami-Dade Commission on Ethics and Public Trust.

44 3. A lobbyist or principal may appeal a fine and may request a hearing before
45 the ~~special master for the Town of Surfside~~ Miami-Dade Commission on
46 Ethics and Public Trust. A request for hearing on the fine must be filed with
47 the ~~special master~~ Miami-Dade Commission on Ethics and Public Trust,
48 with a copy to the Town Clerk, within 15 calendar days of receipt of the
49 notification of the failure to file the required disclosure form.

50 * * *

51 **Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is
52 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
53 shall in no way affect the validity of the remaining portions of this Ordinance.

54 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
55 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
56 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
57 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
58 appropriate word.

59 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
60 Resolutions in conflict herewith are hereby repealed.

61 **Section 6. Effective Date.** This ordinance shall become effective on second reading
62 upon adoption.

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64 PASSED AND ADOPTED on first reading this 13th day of February, 2018.

65 PASSED AND ADOPTED on second reading this 13th day of March, 2018.

66 On Final Reading Moved by: Commissioner Gielchinsky

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68 On Final Reading Second by: Commissioner Karukin

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70 **FINAL VOTE ON ADOPTION:**

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72 Commissioner Daniel Gielchinsky

73 Commissioner Michael Karukin

74 Commissioner Tina Paul

75 Vice Mayor Barry Cohen

76 Mayor Daniel Dietch

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Daniel Dietch, Mayor

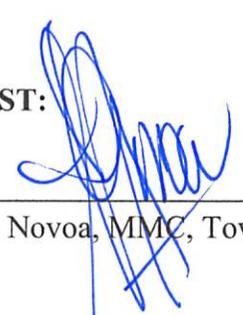
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ATTEST:

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Sandra Novoa, MMC, Town Clerk

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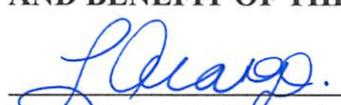
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**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney

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