

ORDINANCE NO. 2009/010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, CREATING A REQUIREMENT FOR LOBBYIST REGISTRATION; CONTAINING DEFINITIONS, REGISTRATION REQUIREMENTS, DISCLOSURE OF EXPENDITURES AND DISCLOSURE OF THIRD PARTY DONATIONS MADE AT THE REQUEST OF A CITY COMMISSIONER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. Intent and purpose.

The City Commission of the City of Deerfield Beach, Florida, wishes to assure maximum transparency of its public operations and decision-making process. As part of this goal it is necessary that the identity and activities of certain persons who engage in efforts to influence city commissioners, city board or committee members, the city manager or city employees on matters related to their official duties, either by direct communication to such city representatives or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any City Commissioner or any member of any decision-making body under the jurisdiction of the City Commission, or any city employee, where the lobbyist (the person making the communication to the City Commissioner, board member, employee, etc.) seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the City Commission, or any decision-making body under the jurisdiction of the City Commission, which may be presented for consideration by a city employee as a recommendation to the City Commission or decision-making body or any employee making a final city procurement decision.

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Lobbyist means any person who engages in lobbying either directly or that does so indirectly by the solicitation of others to engage in lobbying activities.

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

Section 3. Lobbying registration and statements.

(a) *Registration required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk and provide under oath the following information:

- (1) The lobbyist's full name, business address and name and nature of business, occupation or profession.
- (2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals.
- (3) The general and specific subject matters that the lobbyist seeks to influence.
- (4) The extent of any direct business association by the lobbyist with any current or elected or appointed official or employee of the City of Deerfield Beach. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
- (5) A lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person shall be provided with the information required by this article.

(b) Beginning July 1, 2009, and continuing annually thereafter, a registered lobbyist shall submit to the city clerk's office a signed statement under oath, listing all lobbying expenditures related to the City of Deerfield Beach lobbying activities incurred in the past twelve (12) months and the sources of funds for such expenditures. The statement of expenditures for the period from July 1 to June 30, shall be filed no later than July 15 of each year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals and travel. Said statements shall be rendered in the form provided by the city clerk. A statement shall only be filed if there have been expenditures during a reported period. Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the

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statement required by this subsection for that portion of the year during which the lobbyist was engaged in lobbying activities.

(c) Completed registration forms and statements of lobbying expenditures shall be public records and open to public inspection.

(d) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.

(e) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.

(f) *List of principals.* A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

(g) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. The initial fee shall be \$150.00. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(h) *Disclosure of Donations.* On or before January 15, April 15, July 15 and October 15 of each year, any lobbyist who was solicited by a member of the city commission for a donation and any lobbyist who gave a donation to, or at the request of, a member of the city commission for any third party during the preceding quarter shall submit to the office of professional standards of a signed statement under oath describing any such solicitation and any such donation.

Section 4. Statement of representation.

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

Section 5. Lobbying by former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission, city manager, or department head shall not conduct lobbying activities for a period of one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this subsection shall only apply to persons who are officers of employees of the city after the effective date of this section.

Section 6. Persons excluded.

The following persons shall not be required to register or make a statement or representation and will not be prohibited from lobbying as provided in Section 6:

- (1) Any person who in his or her individual capacity communicates with the city commission, city board or committee or member thereof or city manager or city staff for the purpose of self-representation without compensation for reimbursement for such communication, to express support of or opposition to any legislation.
- (2) Any person who lobbies as a representative or a not-for-profit corporation or entity such as a homeowners association without compensation or reimbursement for the appearance.
- (3) Any public officer, employee or appointee who only appears in his or her official capacity.
- (4) Any person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

Section 7. Penalties.

Violation of any provision of this article shall be punishable by a fine of \$500.00 and shall be subject to a Resolution of censure by the City Commission and shall be prohibited from lobbying the City of Deerfield Beach for a period of two (2) years.

Section 8. 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 Deerfield Beach, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 9. If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 10. This Ordinance shall become effective immediately upon adoption.

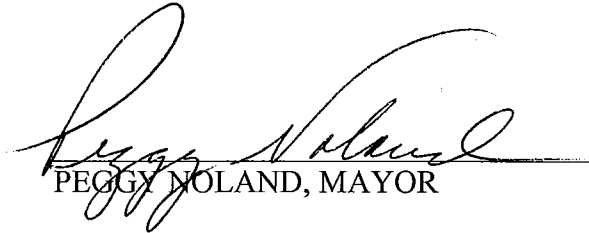
Section 11. This Ordinance was adopted after a public hearing was had upon the

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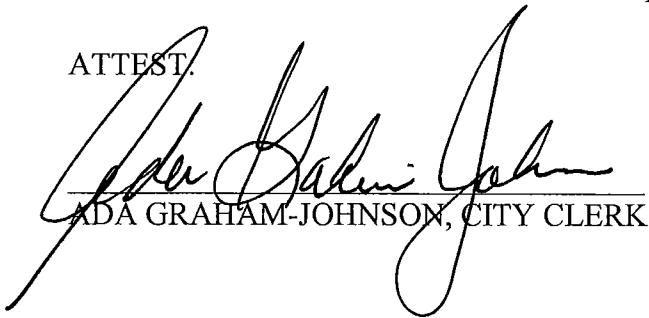
subject matter hereof: Notice of hearing was published as required by law, which public hearing was held at 7:00 p.m. on the 2nd day of June, 2009, in the City Commission Room, City Hall, Deerfield Beach, Florida.

PASSED 1ST READING ON THIS 19TH DAY OF MAY, 2009.

PASSED 2ND READING ON THIS 2ND DAY OF JUNE, 2009.


PEGGY NOLAND, MAYOR

ATTEST.


ADA GRAHAM-JOHNSON, CITY CLERK