

ORDINANCE NO. C-11-42

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CITY OF FORT LAUDERDALE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VIII, LOBBYING ACTIVITIES, TO CONFORM TO CERTAIN PORTIONS OF THE BROWARD COUNTY CODE OF ETHICS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 11, 2011, the Broward County Board of County Commissioners adopted Ordinance 2011-19, providing for a Code of Ethics applicable to Municipal Elected Officials within Broward County; and

WHEREAS, certain portions of the Code of Ethics conflict with current portions of the City of Fort Lauderdale Code of Ordinances regarding lobbying; and

WHEREAS, to eliminate confusion, certain portions of the City of Fort Lauderdale Code are being deleted or modified and replaced with references to the Broward County Code of Ethics;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 2-260 be amended as follows:

Sec. 2-260. - Intent and purpose.

The City Commission of the City of Fort Lauderdale, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence covered individuals, as set forth in the Broward County Code of Ordinances, Section 1-19, Code of Ethics for Elected Officials, ~~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. That Section 2-261, Definitions, be amended as follows:

Sec. 2-261. - 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:

~~*Legislation* means any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the city commission, a city board, or committee; or any action, decision or recommendation of the city manager or city staff regarding any legislation to be considered or foreseeably to be considered by the city commission, city board, or committee.~~

~~*Lobbying* means communicating directly or indirectly, either in person, by telephone, letter, electronic means or other method, with the city commission, city board or committee or any member thereof or the city manager or city staff for the purpose of influencing legislation or other official action. Lobbying does not include the activities of a person undertaken in connection with a request for information, the submission of an application for a city permit, making inquiries regarding such application or providing any information required to be submitted in support of such application.~~

~~*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.~~

“Lobbying” or “Lobbying Activities” shall be defined as in the Broward County Code of Ordinances, Section 1-19, Code of Ethics for Elected Officials.

“Lobbyist” shall be defined as in the Broward County Code of Ordinances, Section 1-19, Code of Ethics for Elected Officials.

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

SECTION 3. Section 2-262, Lobbying registration and statements, shall be amended as follows:

(a) ~~*Registration required.* Except as provided in section 2-263, between August 1, 2000 and September 30, 2000 and continuing thereafter, p~~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 elected or appointed official or employee of the City of Fort Lauderdale. 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 October 1, 2001, 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 City of Fort Lauderdale 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 October 1 to September 30, shall be filed no later than October 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 statement required by this subsection for that portion of the year during which the lobbyist was engaged in lobbying activities.~~

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

~~(dc) 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.~~

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

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

~~(gf) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. 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) 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 a member of the city commission for any third party during the preceding quarter shall submit to the office of professional standards a signed statement under oath describing any such solicitation and any such donation.~~

SECTION 4. Sec. 2-265, Persons excluded, shall be amended as follows:

~~The following persons shall not be required to register or make a statement of representation and will not be prohibited from lobbying as provided in section 2-264:~~

- ~~(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 or reimbursement for such communication, to express support of or opposition to any legislation.~~
- ~~(2) Any person who lobbies as a representative of 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 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 all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the 20th day of December, 2011.

PASSED SECOND READING this the 5th day of January, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM2012\Ords\Jan 5th\C-11-42.doc