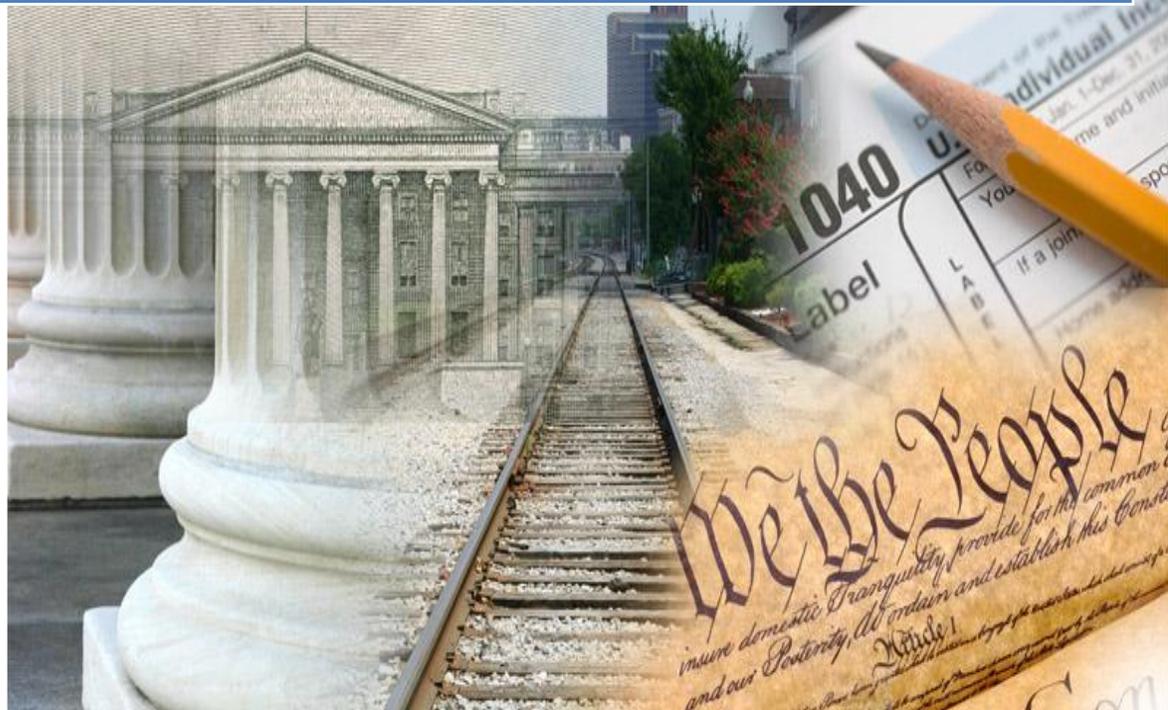


2012

LOBBYING: An Overview of Florida and Other U.S. Municipal Lobbying Codes.



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Foreword

As a legal intern for the City of Jacksonville's Ethics, Compliance and Oversight office during the summer of 2012, I was given the task of researching and compiling lobbying codes from around the State of Florida as well as cities whose populations are similar to that of Jacksonville, Florida. The following document is an in-depth collection and breakdown of Jacksonville's lobbying code, the State of Florida's lobbying code, numerous counties and cities throughout Florida as well as cities throughout the United States. This collection of lobbying codes is for use by city council members and staff to draw from during the development of new lobbying legislation for the City of Jacksonville.

The goal of this project was to point out the flaws in Jacksonville's outdated lobbying code and produce a number of examples on how these laws could be better written and implemented to improve transparency within city government particularly in the area of lobbying. On July 10, 2012, I presented this report to the Jacksonville Ethics Commission in order to help them better understand the need for a new set of lobbying laws. Specifically, I urged them to get behind legislation that would update Jacksonville's current set of lobbying laws. During this presentation I pointed out specific flaws in Jacksonville's lobbying code, including, the lack of online registration, the lack of a registration fee, no prohibition on lobbying on a contingent basis, outdated penalties and fines, and the need for some form of expenditure reporting.

Also at the meeting with the Jacksonville Ethics Commission, I put forth a number of viable solutions to these problems, solutions that I encountered during my research of other municipalities. Such solutions include the use of Orange County Florida or the State of Florida's online lobbying registration system, a wide range of fees that the municipalities are using as well as an example of what those fees should be used for. I also pointed out that most municipalities prohibit lobbying on a contingent basis and I presented an idea about how expenditure reporting could be done in a way so as to force only those lobbyist that are lobbying on legislation involving large sums of money would have to report.

It is the opinion of both the Director of the Jacksonville Office of Ethics, Compliance and Oversight, Carla Miller, and I that the best way to go about creating a new lobbying code for the City of Jacksonville is to start with the laws at the State level here in Florida. The next step would be to remove sections that do not pertain to lobbyist at the city and county levels. Finally we should pull from other municipal codes around Florida and the United States in order to fill in any gray areas as well as developing fees, penalties, and expenditure reporting categories. This method will give us solid ground to build on as the State of Florida's lobbying laws have been tested in Florida Courts and have had an impressive success rate thus far.

Finally it will be important to invite members of the public and local lobbyist to an open forum on the proposed changes to the lobbying laws. This feedback will give us another view on how lobbying is perceived from outside of government. This discussion may help prevent backlash from these groups later on in the legislative process.

City of Jacksonville's Lobbying Code

I. INTENT & PURPOSE

- a. **§ 602.101:** It is declared to be the policy of the City of Jacksonville that all officials, officers and employees of the City of Jacksonville and its independent agencies are public servants of the people and hold their positions for the benefit of the public, and that imposing ethical standards upon officials, officers, and employees of all of these agencies serves an important public purpose and serves the public welfare. These public servants shall perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees shall strive to meet the highest standards of ethics consistent with this Code, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. This Code shall serve not only as a basis for discipline of public servants who violate these provisions, but also as an aspirational guide for conduct. The City of Jacksonville consolidated in 1968 in an attempt to create a more responsible government. Since that time, various provisions from state and local law have been created or adapted to guide the ethical behavior of local public servants. This Code coordinates existing laws, adds new provisions outlining guidelines for appropriate behavior, and includes new substantive provisions which impose higher standards and expectations on public servants. Although the people of Jacksonville have learned from and responded to past mistakes, there should be an aspiration to much higher standards. Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens. There needs to be a proactive approach in strengthening the emphasis on ethics and in guiding City officers and employees in upholding them. To preserve and maintain the integrity of responsible government and its decision-making process, the City of Jacksonville believes it is necessary that the identity, activities and expenditures of certain persons who engage in efforts to influence officers and employees of the City on matters within their official cognizance, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions and requirements of this Code shall apply to every person who attempts to influence government action, unless such person is clearly exempt herefrom by an express provision hereof. With the above in mind, the City of Jacksonville hereby adopts the following goals for the City ethics program: **(a)** Promulgate and implement a comprehensive approach to ethics and integrity in Jacksonville government. **(b)** Promote public confidence in public officers and employees and the ethical operation of government, **(c)** Promote and ensure compliance with local, state, and federal ethics law. **(d)** Centralize laws and regulations on the ethical conduct of City officers and employees. **(e)** Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of City officers and employees. **(f)** Establish a system to train City officers and employees to encourage compliance with these standards and to also provide for periodic review,

education and certification on ethics. (g) Enact an Ethics Officer system that will continue to evolve and update our City's ethics program and to provide guidance and education to all City departments. (h) Educate City officers and employees to avoid the appearance of impropriety. Through this comprehensive code and the above-stated goals, the City will strive to elevate the level of ethics in local government, to provide honest and responsible service to the citizens of Jacksonville, and to maintain the confidence and trust of the public that this government serves.

II. DEFINITIONS

- a. **§ 602.201 DEFINED:** Advisory Body, Advisory Body Official, Appointed Employee, Appointed Official, Business Entity, City, Civil Service Employee, Compensation, Code, Controlling Interest, Elected Official, Employee, Ethics Commission, Executive Branch Department, Fair Market Value, Gift, Government Action, Honorarium, Immediate Family, Independent Agency, Lobbying Principal, Lobbyist, Material Interest, Officer, Permitting Employee, Person, Procurement Employee, Public Official, Reporting Individual, Zoning Employee.
- b. **§ 602.801(a) LOBBYING:** For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following: (1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or (2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).
- c. **§ 602.201 LOBBYING PRINCIPAL:** means any person providing compensation to a lobbyist in consideration of his or her performance of lobbying activities, regardless of the technical or legal form of the relationship between the principal and the lobbyist. Principal specifically includes a person whose employee or agent lobbies on behalf of the employer or for the benefit, or in the name of the employer.
- d. **§ 602.201 LOBBYIST:** Means any natural person who, for compensation seeks, or sought during the preceding 12 months, to influence the governmental decision making of an officer or employee of the City or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by an officer or employee of the City. The following persons shall not be required to register as lobbyists: (1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement; (2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;

(3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency; (4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto; (5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist; (6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.

III. REGISTRATION

- a. **§ 602.801(b):** A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary.
- b. **§ 602.801(b):** The Council Secretary shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required.
- c. **§ 602.802:** No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.
- d. **§ 602.801:** Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary.
- e. **§ 602.801:** Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered.
- f. **§ 602.801(c)(3):** A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.
- g. **§ 602.801(b)(1):** When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.

- h. § 602.801(c)(2):** A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.
- i. § 602.801(b):** If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.

IV. REGISTERING AFTER BEING CONVICTED OF A FELONY

- a.** N/A in § 602.

V. REGISTRATION FEE

- a.** N/A in § 602.

VI. EXEMPTIONS TO REGISTRATION FEE

- a.** N/A in § 602.

VII. THE LOBBYIST REGISTRATION TRUST FUND

- a.** N/A in § 602.

VIII. REPORTING EXPENDITURES

- a.** N/A in § 602.

IX. COMPENSATION REPORTS

- a. § 602.803:** A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

X. ELECTRONIC FILING OF COMPENSATION REPORTS

- a.** N/A in § 602.

XI. DUTIES OF THE ETHICS COMMISSION, CLERK, OR ADMINISTRATOR

- a. The Jacksonville Ethics Commission shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Commission shall be empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202 of the Charter, to exercise the following powers and duties: (a) The Commission is authorized to receive, and to investigate and issue findings with regard to any sworn written complaint alleging a violation of this Chapter or by a complaint initiated by a minimum vote of six members of the Commission alleging a violation of this Chapter. All complaints and records shall be confidential as allowed by Section 112.324, Florida Statutes, or any other applicable state law. In support of this power, the Commission is authorized to establish an ethics "hotline" to receive tips and information, each of which shall be treated with confidentiality as authorized by Florida law. The General Counsel, with the assistance of all appropriate and available offices of the City, shall assist the Ethics Commission in the investigation of complaints. The Ethics Commission may refer matters brought to its attention to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in, and action is more appropriate if taken by said agencies. (b) Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program as set forth in Section 602.1001, as well as all public records and sunshine law training throughout the government. (c) The Commission may, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees as delineated in Section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate; (d) Have jurisdiction to levy those civil fines or penalties authorized in this Chapter 602 for violations of the City's ethics code; (e) Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

XII. LOBBYING AGENCY'S RESPONSIBILITIES

- a. N/A in § 602.

XIII. PRESERVATION OF RECORDS

- a. N/A in § 602.

XIV. INVESTIGATING COMPLAINTS

- a. § 602.939: No action may be taken on a complaint filed more than two (2) years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. Where the allegations are the subject of a personnel, criminal or administrative proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a complaint, the statute of limitations shall be

tolled until the termination of said proceeding or the exhaustion of administrative remedies.

- b. § 602.631:** In accordance with section 1.202 of the Charter, officers and employees of independent agencies are subject to the jurisdiction of the Ethics Code. The Office of Ethics, Compliance and Oversight shall defer handling any investigations when the applicable independent agency has an established ethics program with investigatory functions and is appropriately undertaking the investigation. Nothing contained herein shall limit an independent agency from seeking cooperation and assistance from the Office of Ethics, Compliance and Oversight and such assistance being provided.
- c. § 602.931:** In accordance with Section 602.921(d), and the Charter, the Commission shall perform the following duties in association with the enforcement of Chapter 602 and the imposition of sanctions and penalties including the imposition of public censures and civil penalties. **(a)** The Commission shall establish and post rules and procedures to provide for the investigation of citizen, hotline, employee and self-initiated complaints of violations of Chapter 602. **(b)** The Commission shall establish and post rules and procedures to provide for due process in the charging and prosecution of violations of Chapter 602. **(c)** Meetings of the Commission exempted from the provisions of section 286.011 Florida Statutes, shall be recorded and such recording shall become public upon the conclusion of the investigatory matter, by either a finding of no probable cause to proceed or a final determination by the Commission.
- d. § 602.932:** The Commission is authorized to exercise and utilize all procedures and processes available to city agencies, which are authorized by ordinance, the Charter, or Chapter 119, Florida Statutes, to secure the production of documents and testimonial evidence relevant to the investigation and prosecution of complaints and charges authorized by this Chapter; except that, the issuance of a subpoena to compel the production of documents or testimony shall be authorized by a circuit or county judge of the Fourth Judicial Circuit upon a facial demonstration of the relevancy of the documentation or testimony to the enforcement of a provision of Chapter 602, Ordinance Code, the City of Jacksonville's Ethics Code.
- e. § 602.934:** Notwithstanding any other provisions of this Part, the Commission may, at its discretion: **(a)** dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or **(b)** dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the Commission dismisses a complaint as provided in this subsection, the Commission shall issue a public report stating with particularity its reasons for the dismissal. The Commission, at the request of the state attorney or any other law enforcement agency, shall stay an ongoing proceeding. The Commission shall not interfere with any ongoing criminal investigation of the state attorney or the U.S. Attorney for the Middle District of Florida.

- f. **§ 602.935:** In any case in which the Commission determines that the complaining party filed a frivolous or groundless complaint as defined in Florida Statutes, § 57.105, or a complaint filed with malicious intent or with knowledge that the complaint contains one or more false allegations, or filed with reckless disregard for whether the complaint contains material false allegations, the Commission may, upon proper notice and hearing, order the complaining party to pay any costs and attorneys' fees incurred by the Commission and/or the alleged violator. Such order may be enforced by the Circuit Court, as are other board orders of the City.
- g. **§ 602.936:** The provisions of Chapter 602 shall be deemed supplemental to any other applicable county ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law, or of this Code.
- h. **§ 602.937:** The Commission shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this Subpart.
- i. **§ 602.938:** Where an officer or employee subject to the jurisdiction of this Chapter is alleged to have violated an ordinance within the jurisdiction of the Commission, and, based upon the same set of facts, is subject to an ongoing disciplinary, regulatory administrative, or criminal action initiated by the officer or employee's agency or employer, or by any other governmental entity with jurisdiction over the officer or employee, the Commission shall stay consideration of a complaint under this Part applicable to said officer or employee until the conclusion of the administrative, civil, or criminal proceeding. Nothing herein shall abridge employees' constitutional right to collective bargaining.

XV. ADVISORY OPINIONS

- a. **§ 602.939:** Any person within the jurisdiction of the Commission, when in doubt about the applicability or interpretation of any provision within the Commission's jurisdiction to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission with a request for an advisory opinion to establish the standard of public duty, if any. A person requesting an advisory opinion may withdraw the request at any time up to ten days before the Commission convenes a public meeting to consider the request. An advisory opinion shall be rendered by the Commission on a timely basis, and each such opinion shall be numbered, dated and published.
- b. **§ 602.941:** Any final order of the Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in such manner as is authorized for review of quasi judicial board decisions.

XVI. PENALTIES AND FINES

- a. **§ 602.804:** A person who, knowingly and willfully: (a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so; or (b)

Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part; (c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or (d) Commits, or procures or acquiesces in the commission of, any violation of this Part; shall be guilty of a class D offense against the City.

- b. **§ 632.101(a):** The following classes of offenses are established, and any person violating a provision of the Ordinance Code or an ordinance of the City setting forth an established class of offense and prescribing no other specific penalty shall, upon conviction and adjudication of guilt, be punished as follows: **(1)** For a class A offense, by a fine of not more than \$25.00 or by imprisonment of not more than ten days, or by both a fine and imprisonment. **(2)** For a class B offense, by a fine of not more than \$50 or by imprisonment of not more than 30 days, or by both a fine and imprisonment. **(3)** For a class C offense, by a fine of not more than \$100 or by imprisonment of not more than 60 days, or by both a fine and imprisonment. **(4) For a class D offense, by a fine of not more than \$500 or by imprisonment of not more than 60 days, or by both a fine and imprisonment.**
- c. **§ 632.101(b):** Whenever a provision of the Ordinance Code or any ordinance of the City makes or declares it to be unlawful or an offense to do or fail to do any act or thing, and no established class of offense or specific penalty is provided, the violation shall constitute a class C offense.

XVII. CONTINGENCY FEES; PROHIBITIONS; PENALTIES

- a. N/A in § 602.

XVIII. STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST; REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS

- a. N/A in § 602.

XIX. USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY

- a. N/A in § 602.

XX. MISCELLANEOUS SECTIONS OF CODE

- a. N/A in § 602.

Brief Overview of Lobbying at Florida's State Level

I. **INTENT & PURPOSE**¹

- a. § 112 and § 11 are similar except executive branch wording changed to legislative branch wording.
 - i. J.R.O. Omits section completely.
 - ii. 34-12 has a completely different purpose which is to implement the provisions of § 112 using the Commission on Ethics for the State of Florida.

II. **DEFINITIONS**²

- a. **DEFINED:** Agency, Agency Official/Employee, Compensation, Expenditure, Fund, Lobbying/Lobbies, Lobbying Firm, Lobbyist, Principle.
 - i. F.S.A. § 11.045: (+ Committee, Legislative Action, and Office)
 - ii. J.R.O. 1.1: (+ Division, Payment/Salary, and Unusual Circumstances)
 - iii. F.A.C. r. 34-12.020: [+ Government Entity, Person, Policy, and Procurement]
- b. **LOBBIES/LOBBYING:**
 - i. § 112 and § 11 are roughly the same except executive branch wording is changed to legislative branch wording.
 - ii. J.R.O. adds a number of exceptions to the definition.
 - iii. 34-12 removes part of § 112's definition.
- c. **LOBBYING FIRM:**
 - i. § 112 and § 11 are the same.
 - ii. J.R.O. adds an exception and defines "affiliate corporation."
 - iii. 34-12 adds an exception to the definition in § 112. Roughly the same exceptions found in J.R.O.
- d. **LOBBYIST:**
 - i. § 112 and § 11 have the same definition but § 11 omits the exceptions part of § 112.
 - ii. J.R.O. adds exemptions, defines lobbyist further, and defines "Principally employed for government affairs."
 - iii. 34.12 Adds a number of exemptions, defines "Principally employed for government affairs," and explains "Judicial Proceedings."

III. **REGISTRATION**³

- a. Complete Omissions by § 112.
 - i. § 11 adds a provision allowing creation of Joint Rule and that it is open to the public.

¹ (F.S.A. § 112.3213); (F.S.A. § 11.044) and (F.A.C. r. 34-12.010)

² (F.S.A. § 112.3215(1)); (F.S.A. § 11.045); (J.R.O. 1.1) and (F.A.C. r. 34-12.020 – 12.150)

³ (F.S.A. § 112.3215(3),(4)); (F.S.A. § 11.045(2)); (J.R.O. 1.2) and (F.A.C. r. 34-12-200)

- ii. J.R.O. adds Appearance Record provision, acknowledgement of oath and retention of original registration documents by Lob. Reg. Office, and that registration documents are open to the public for inspection and duplication.
- b. Mandatory Registration by both § 112 and § 11.
 - i. J.R.O. adds must register on forms furnished by Lob. Reg. Office.
 - ii. 34-12 makes slight additions to wording of § 112.
- c. Registration is due as soon as retained and on a calendar year basis.
 - i. § 11 omits entirely.
 - ii. J.R.O. states roughly the same thing.
 - iii. 34-12 states roughly the same thing but adds when registration takes effect and adds \$25.00 filing fee. It also adds the name of the registration form to be used, the creation of that form, and the mailing date of that form.
- d. Upon registration person registering needs statement signed by the principal or firm authorizing their representation. Principle must identify and designate its main business using NAICS code.
 - i. § 11 roughly the same except a few minor words are changed.
 - ii. J.R.O. Adds Lobbying Registration Office must create form.
- e. § 112 and § 11 are roughly the same on what is required to be disclosed on the forms.
 - i. 34-12 creates additional items to be disclosed.
 - ii. J.R.O. makes minor changes to wording.
- f. Any changes to the information provided on the registration form must be reported to the Commission in writing within 15 days.
 - i. § 11 is the same.
 - ii. J.R.O. makes minor word changes and additions.
 - iii. 34-12 omits entirely
- g. § 112 omits registration for each principal requirement.
 - i. § 11 had one quick sentence on registration for each principal.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 rewords and improves on § 11's sentence.
- h. § 112 and § 11 are roughly the same on cancelation of registration requirements except for minor word changes.
 - i. J.R.O. makes some minor word changes and added an additional sentence on cancelations effective date.
 - ii. 34-12 Changes § 112 and § 11 by going into depth on how to cancel registration and when the cancelation takes effect.

IV. REGISTERING AFTER BEING CONVICTED OF A FELONY⁴

- a. No differences.

V. REGISTRATION FEE⁵

- a. Set by Commission and cannot exceed \$40.00 per principal annually.
 - i. § 11 omits entirely.
 - ii. J.R.O. makes slight changes to the wording. Adds the starting and ending date for the annual period. Makes the annual fee up to \$50.00 per house per principle plus \$10.00 more for every additional principle per house. Adds that the President of the Senate and the Speaker of the House shall establish fee annually. Finally adds what the fees will be used for and where they will be deposited.
 - iii. 34-12 adds that the fee for the executive is \$25.00 due once a year. It also adds where the funds will go and that there is no charge for an amended registration. There is also no refund if registration is cancelled partway through the year.

VI. EXEMPTIONS TO REGISTRATION FEE⁶

- a. § 112 omits entirely
 - i. § 11 adds that joint rule can provide exemptions and if you are exempt you are not a lobbyist.
 - ii. J.R.O. lists a number of exemptions.
 - iii. 34-12 omits entirely.

VII. THE LOBBYIST REGISTRATION TRUST FUND⁷

- a. § 112 and § 11 are roughly the same but executive branch wording is changed to legislative branch wording.
 - i. J.R.O. omits entirely.
 - ii. 34-12 omits entirely.

VIII. REPORTING EXPENDITURES⁸

- a. § 112 and § 11 are roughly the same except § 11 adds floral arrangements as an exception.
 - i. J.R.O. omits entirely.
 - ii. 34-12 strikes wording from § 112, makes some wording changes, and adds four (4) including specific examples of expenditures that may be considered lobbying and the factors that the Commission will use to determine if lobbying has taken place.

⁴ (F.S.A. § 112.32151); (F.S.A. § 11.0451); and (F.A.C. r. 34-12.200(5))

⁵ (F.S.A. § 112.3215(4)), (J.R.O. 1.3) and (F.A.C. r. 34-12.200 & 12.340)

⁶ (F.S.A. § 11.045(2)) and (J.R.O. 1.3)

⁷ (F.S.A. § 112.3215(2)) and (F.S.A. § 11.045(9))

⁸ (F.S.A. § 112.3215(6)); (F.S.A. § 11.045(4)(a)) and (F.A.C. r. 34-12.015, 12.180, 12.190)

IX. COMPENSATION REPORTS⁹

- a. § 112, § 11 and J.R.O. have only minor wording changes and additions.
 - i. 34-12 adds a sentence about the Commission’s duty to send each lobbyist currently lobbying a copy of the CE form 24 and notice that the form must be filed by a specific date.
- b. All the same except for one minor word change made by the 34-12.
- c. § 112, § 11, and J.R.O. are the same.
 - i. 34-12 changes and adds additional words and phrases. It also strikes out the second half of the paragraph.
- d. § 112 and § 11 are the same.
 - i. J.R.O. adds a sentence adding that they must certify that no compensation was given for any number of services and that no firm has made expenditure in violation of § 11.045.
 - ii. 34-12 makes additions and changes to § 112 including the same additions made by J.R.O.
- e. § 112, and § 11 are the same.
 - i. J.R.O. makes a word change and adds a chart showing how to aggregate the dollar amounts.
 - ii. 34-12 makes word changes to § 112.
- f. § 112 and § 11 are the same with only minor changes to wording.
 - i. J.R.O. adds an additional sentence about identical forms for both houses and makes a couple word changes.

X. ELECTRONIC FILING OF COMPENSATION REPORTS AND OTHER INFORMATION¹⁰

- a. § 112, § 11, J.R.O. and 34-12 are the same.
- b. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. omits entirely.
- c. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. makes minor wording changes.
- d. § 112 and § 11 are the same but with minor word changes and § 11 adds an additional sentence specific to the legislative branch.
 - i. J.R.O. changes the entire wording and involves the sign-on credentials and the filers duty to protect them.
- e. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. makes a minor word change and adds that an electronic receipt must be given verifying the date and time report was filed.

⁹ (F.S.A. § 112.3215(5)); (J.R.O. 1.4); (F.S.A. § 11.045(3)) and (F.A.C. 34-12.400, 12.420)

¹⁰ (F.S.A. §112.32155(11)); (F.S.A. § 11.0455); and (J.R.O. 1.4 & 1.6)

- f. § 112 and § 11 are the same but with a minor word change.
 - i. J.R.O. completely changes the wording and puts forth guidelines for when the electronic system is inoperable.
- g. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. makes minor word changes and additions.

XI. DUTIES OF THE ETHICS COMMISSION, CLERK, OR ADMINISTRATOR¹¹

- a. Found only in § 112.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 delegates a number of the Commission’s powers to other bodies.

XII. LOBBYING AGENCY’S RESPONSIBILITIES¹²

- a. Found only in § 112.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 adds that agencies have a duty inform their employees of the lobbying laws and how to access any pertinent information on lobbying.

XIII. PRESERVATION OF RECORDS¹³

- a. § 112, § 11 and J.R.O. are all roughly the same with only minor wording changes to reflect differences in the legislative and executive branch.

XIV. INVESTIGATING COMPLAINTS¹⁴

- a. § 11 and J.R.O. are silent.
 - i. 34-12 makes 7 additions to § 112.
- b. § 11 is silent.
 - i. J.R.O. makes a number of changes to § 112 due in large part to the difference between the legislative and executive branches. It sets forth who may inspect records after a complaint is received, what their qualifications must be and the limit on the use of that information retained during inspection. It also adds that right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.
 - ii. 34-12 adds the same thing as J.R.O. except that it is intended for the executive branch where as the J.R.O. is for the legislative branch.

¹¹ (F.S.A. § 112.3215(14)); and (F.A.C. r. 34-12.728)

¹² (F.S.A. § 112.3215(12)) and (F.A.C. 34-12.500)

¹³ (F.S.A. § 112.3215(5)(e)); (F.S.A. § 11.045(2)(e)); (J.R.O. 1.7) and (F.A.C. 34-12.660)

¹⁴ (F.S.A. § 112.3215(8), (9), (10), (13)); (J.R.O. 1.7) and (F.A.C. r. 34-12.700 – 12.760)

- c.** Found only in § 112.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 adds procedure upon receipt of a sworn complaint and adds that the complaint, proceedings, staff activities and documents are confidential. It also set out when and how this information becomes public record.

- d.** § 112 and § 11 are the same but with minor wording changes.
 - i. J.R.O. omits entirely.

- e.** Found in § 112 only.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.

- f.** Found in § 112 only.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.

- g.** Found in § 112 only.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.

- h.** Subpoenas omitted entirely by § 112.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 adds procedure for authorization and use of subpoenas.

- i.** Investigation Procedures Omitted Entirely by § 112.
 - i. § 11 omits entirely.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 creates guidelines for the Commission is to proceed with investigations.

- j.** § 112 and § 11 are the same.
 - i. J.R.O. omits entirely.
 - ii. 34-12 makes 4 additions to § 112.

- k.** § 112 and § 11 are roughly the same but the wording is changed to reflect the differences in the legislative branch versus the executive branch. §11 also adds that anybody who knowingly fails to disclose material fact or who provides false information commits a non criminal infraction can be punished with a \$5000.00.
 - i. J.R.O. omits entirely.

XV. ADVISORY OPINION¹⁵

- a. There are a number of differences, changes, and additions made by § 11, J.R.O. and 34-12. See Final copy with complete list of differences.

XVI. PENALTIES AND FINES¹⁶

- a. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. omits entirely.
- b. § 112, § 11 and J.R.O. are the same.
 - i. 34-12 makes a word change.
- c. § 112, § 11 and J.R.O. are the same but with minor word changes.
 - i. 34-12 makes three (3) changes to the wording and adds that a lobbying firm will be notified of their amount owed after it is calculated.
- d. § 112, § 11 and J.R.O. are the same but with minor word changes.
- e. § 112, § 11 and J.R.O. are the same but with minor word changes.
- f. § 112, § 11 and J.R.O. are the same but with minor wording changes to reflect the difference in the legislative and executive branches.
 - i. J.R.O. adds the General Counsel may recommend to the President of the Senate or the Speaker that a fine be waived for good cause. President and speaker may then concur and waive the fine in whole or in part. It also adds that a lobbying firm may request that the filing of a report be waived upon good cause shown based on unusual circumstances and the procedure for doing so.
 - ii. 34-12 puts forth the process for appeal and for requesting a hearing.
- g. § 112 and § 11 are roughly the same with only minor wording changes to reflect the differences in legislative and executive branch.
 - i. J.R.O. makes a couple wording changes and adds seven (7) more sections to §112 including joint and several liability for lobbying firms, rules for reinstatement, requesting a waiver if suspended, and who may grant or deny the request.
 - ii. 34-12 strikes part of § 112.
- h. § 11 is silent.
 - i. J.R.O. is silent.
 - ii. 34-12 adds that there is a 60 day window to pay fines before they are turned over to the DFSC.

¹⁵ (F.S.A. § 112.3215(11)); (F.S.A. § 11.045(5)&(6)); (J.R.O. 1.8) and (F.A.C. 34-12.600 – 12.650)

¹⁶ (F.S.A. § 112.3215(5)(d)); (F.S.A. § 11.045(3)(d)); (J.R.O. 1.5); and (F.A.C. r. 34-12.405, 12.407)

XVII. CONTINGENCY FEES; PROHIBITIONS; PENALTIES¹⁷

- a. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. omits entirely.

- b. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. omits entirely.

- c. § 112 and § 11 are the same but with minor word changes.
 - i. J.R.O. omits entirely.

- d. Omitted by § 112.
 - i. § 11 provides that any contingency fee contracts in existence before the act became law are exempt.
 - ii. J.R.O. omits entirely.
 - iii. 34-12 omits entirely.

- e. § 112 and § 11 are the same.
 - i. J.R.O. is silent matter.
 - ii. 34-12 is silent on this matter.

XVIII. STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST; REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS¹⁸

- a. Only found in § 11.
 - i. § 112, J.R.O. and 34-12 are silent on this matter.

XIX. USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY¹⁹

- a. Only found in § 11.
 - i. § 112, J.R.O. and 34-12 are silent on this matter.

XX. MISCELLANEOUS SECTIONS OF CODE

- a. N/A.

¹⁷ (F.S.A. § 112.3217) and (F.S.A. § 11.047)

¹⁸ (F.S.A. § 11.061)

¹⁹ (F.S.A. § 11.062)

In-depth Breakdown of Lobbying at Florida's State Level

| | | | | |
|---------------|---|------------------|--------------------|-------------------------------|
| * KEY: | --- = Omitted | + = Added | ^ = Changed | →+ = Added to a Change |
| * | (RED) denotes differences in the Florida Legislative Laws | ----- | | See: 11.044 - 11.062 |
| * | (Blue) denotes differences in the Florida Joint Rules | ----- | | See: 1.1 - 1.9 |
| * | <u>Underlined twice</u> denotes additions by Commission on Ethics | ----- | | See: 34-12.010 – 34-12.760 |
| * | Stricken denotes words omitted by the Commission on Ethics | ----- | | See: 34-12.010 – 34-12.760 |

I. INTENT & PURPOSE²⁰

- a. The Legislature finds that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive branch action. Further, the Legislature finds that preservation of the integrity of the governmental decision making process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform citizens of the efforts to influence executive branch action, the Legislature finds it necessary to require the public disclosure of the identity, expenditures, and activities of certain persons who attempt to influence actions of the executive branch in the areas of policy and procurement. ¹
- i. **F.S.A. § 11.044:** (¹^ legislative branch.)
 - ii. **J.R.O.:** (--- Entirely)
 - iii. **F.A.C. r. 34-12.010:** [^ (1)The purpose of this chapter is to implement the provisions of Section 112.3215, F.S. (2) The rules of this chapter shall apply to the functions and proceedings of the Commission on Ethics under Section 112.3215, F.S., including registration of persons who lobby agencies of the Executive Branch or the Constitution Revision Commission, reports which must be filed by lobbying firms, opinions which may be requested from the Commission concerning the application of Section 112.3215, F.S., and proceedings involving complaints of a violation of the provisions of Section 112.3215, F.S. The rules do not apply to any of the other functions of the Commission under Article II, Section 8, Florida Constitution, under Part III, Chapter 112, F.S., or under provisions of law other than Section 112.3215, F.S.]

II. DEFINITIONS²¹

- a. **DEFINED:** Agency, Agency Official/Employee, Compensation, Expenditure, Fund, Lobbying/Lobbies, Lobbying Firm, Lobbyist, and Principle.
- i. **F.S.A. § 11.045:** (+ Committee, Legislative Action, and Office)
 - ii. **J.R.O. 1.1:** (+ Division, Payment/Salary, and Unusual Circumstances)
 - iii. **F.A.C. r. 34-12.020:** [+ Government Entity, Person, Policy, and Procurement]
- b. **LOBBIES/LOBBYING:** Means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. ["Lobbies" also means

²⁰ (F.S.A. § 112.3213); (F.S.A. § 11.044) and (F.A.C. r. 34-12.010)

²¹ (F.S.A. § 112.3215(1)); (F.S.A. § 11.045); (J.R.O. 1.1) and (F.A.C. r. 34-12.020 – 12.150)

~~influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.] 1. (±)1.~~

- i. **F.S.A. § 11.045(1)(e):** (1^ Means influencing or attempting to influence legislative action or non action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the legislature.) **J.R.O 1.1(3):** (1→+For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following: (a) Response to an inquiry for information made by any member, committee, or staff of the Legislature. (b) An appearance in response to a legislative subpoena. (c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds. (d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.)

c. **LOBBYING FIRM:** means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist. (±)1. [+ An association, a governmental entity, a corporation, or other business entity that does not derive compensation from principals for lobbying is not a “lobbying firm,” and neither are its employee-lobbyists considered to be a “lobbying firm.”]

- i. **J.R.O. 1.1(e):** (1+ “Lobbying firm” does not include an entity that has employees who are lobbyists if the entity does not derive compensation from principals for lobbying or if such compensation is received exclusively from a subsidiary or affiliate corporation of the employer. As used in this paragraph, an affiliate corporation is a corporation that directly or indirectly shares the same ultimate parent corporation as the employer and does not receive compensation for lobbying from any unaffiliated entity.)

d. **LOBBYIST:** means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. (±)1. (±)2. [±]1. [±]2. [±]3. [±]4. [±]5. (±)6. “Lobbyist” does not include a person who is: (1.) An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state. (2.) An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. (3.) A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes. (4.) A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017. 1

- i. **F.S.A. § 11.045:** (1--- ““Lobbyist” does not include a person who is: (1.) An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state. (2.) An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties. (3.) A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes. (4.) A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017.)

- ii. **J.R.O. 1.1(f):** (1+ An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.)
- iii. **J.R.O. 1.1(4):** (2+ For purposes of registration and reporting, the term “lobbyist” does not include any of the following: (a) A member of the Legislature. (b) A person who is employed by the Legislature. (c) A judge who is acting in that judge’s official capacity. (d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity. (e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation. (f) A person employed by any executive or judicial department of the state or any community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours and who does not otherwise meet the definition of lobbyist.)
- iv. **F.A.C. r. 34-12.100:** [1+ (1) An employee of a principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. (2) One who is not an employee of a principal is a “lobbyist” if he is retained as an independent contractor or otherwise for payment or economic consideration by a person or governmental entity to lobby an agency on behalf of that person or governmental entity. (3) If a corporation, partnership, firm, or other business organization is retained for payment or economic consideration to lobby an agency on behalf of another person or governmental entity, only the members, partners, associates, or employees of the organization who personally lobby in behalf of that person or governmental entity are “lobbyists.” (4) A person who lobbies an agency in behalf of himself or in behalf of a business entity in which he has an ownership interest is not a “lobbyist” unless he comes within one of the above descriptions. (5) The terms “payment” or “economic consideration” do not include receiving only reimbursement for actual travel, lodging, and meal expenses.]
- v. **F.A.C. r. 34-12.110:** [2+ “Lobbyist” does not include an attorney or any other person who represents a client in a judicial proceeding. (1) Representation of a client in a judicial proceeding includes all oral and written communications with an agency or any of its representatives which relate to the proceeding. (2) For purposes of this rule, a judicial proceeding does not commence until a complaint, petition, indictment, information, or other pleading initiating the proceeding has been filed. Therefore, an attorney or other person representing a client who lobbies an agency regarding matters which in the future may result in a judicial proceeding may be a lobbyist” for purposes of this Chapter if he is seeking to influence the agency with respect to a decision of the agency in the area of “policy,” as defined in Rule 34-12.020(6), F.A.C. (3) A judicial proceeding is not concluded until the court or tribunal loses jurisdiction over the proceeding. Therefore, an attorney or other person who represents a client before an executive branch agency regarding matters on which a court or judicial tribunal has jurisdiction to take action is not a “lobbyist.” (4) A “judicial proceeding” includes a proceeding before a judge of compensation claims involving workers’ compensation or birth-related neurological injuries.]
- vi. **F.A.C. r. 34-12.120:** [3+ “Lobbyist” does not include an attorney or other person who represents a client in a formal administrative proceeding conducted pursuant to Chapter 120, F.S., or in any other formal hearing before an agency. (1) Formal administrative proceedings conducted pursuant to Chapter 120, F.S., and other formal hearings before an agency include: (a) Formal and informal proceedings under Sections 120.569 and 120.57, F.S., after the filing of

a petition or request for hearing which initiates the proceeding; (b) Rule challenge proceedings under Section 120.56, F.S., after the filing of the petition or request with the Division of Administrative Hearings; (c) Declaratory statement proceedings under Section 120.565, F.S., after the filing of the petition for a declaratory statement; (d) Bid protest proceedings under Section 120.57(3), F.S., after the filing of a formal written protest; and (e) All other hearings of an agency of a similar nature to a hearing governed by a provision of Chapter 120, F.S., after the filing of the petition, complaint, or request which initiates the proceeding. (f) An attorney or other person representing a client who lobbies an agency regarding matters which in the future may result in an administrative proceeding described in paragraphs (a) through (e) above may be a “lobbyist” for purposes of this Chapter if he is seeking to influence the agency with respect to a decision of the agency in the area of “policy,” as defined in subsection 34-12.020(6), F.A.C. (2) Representation of a client in one of the types of administrative proceedings and formal hearings described in subsection (1) includes all oral and written communications with an agency or any of its representatives which relate to the proceeding or hearing. (3) An appearance in behalf of a client at a publicly noticed hearing or workshop conducted by the agency regarding a proposed agency rule constitutes the representation of a client in a formal hearing before the agency. However, communications with agency personnel in behalf of a client which seek to influence the agency’s decision regarding the proposed rule and which are outside of such a hearing or workshop are not exempted on this basis.]

- vii. F.A.C. r. 34-12.130: [4+ An officer or employee of a state agency or a legislative or judicial branch entity is excluded from being a “lobbyist” when acting on its behalf in the normal course of his or her duties.]
- viii. F.A.C. r. 34-12.140: [5+ “Lobbyist” does not include a confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.]
- ix. F.A.C. r 34-12.150: [6+ “Lobbyist” does not include a person who lobbies to procure a contract pursuant to Chapter 287, F.S., which contract does not exceed category one as provided in Section 287.017(1)(a), F.S.]

III. **REGISTRATION**²²

- a. Complete Omissions by F.S.A. § 112.
 - i. **F.S.A. § 11.045(2):** (+ Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee.)
 - ii. **F.S.A. § 11.045(2)(f):** (+ All registration shall be open to the public.)
 - iii. **J.R.O. 1.1(5):** (+ When a person, regardless of whether the person is registered as a lobbyist, appears before the committee Appearance Record as required by the respective house.)
 - iv. **J.R.O. 1.2(1):** (+ The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person.)
 - v. **J.R.O. 1.2(5):** (+ The Lobbyist Registration Office shall retain all original registration documents submitted under this rule.)
 - vi. **J.R.O. 1.6(1):** (+ All of the lobbyist registration forms and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.)
- b. A person [+ who is a “lobbyist” as defined in Section 112.3215(1)(h), F.S., and this chapter] may not lobby an agency until such person has registered as a lobbyist with the commission ^{1 & 1.} [+ Registration shall be made on CE Form 20, Executive Branch Lobbyist Registration, which requires the registrant to disclose, under oath the following...]

²² (F.S.A. § 112.3215(3),(4); (F.S.A. § 11.045(2)); (J.R.O. 1.2) and (F.A.C. r. 34-12-200)

- i. **F.S.A. § 11.045(2)(a):** (1[^] Registration is required for each principal represented.)
 - ii. **J.R.O. 1.2(1):** (1[^] Each person who is required to register must register on forms furnished by the Lobbyist Registration Office.)
- c. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. 1
 - i. **F.S.A. § 11.045(2):** (~~--- Entirely~~)
 - ii. **J.R.O. 1.2:** (1[^] (2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal (3) Any person required to register must renew the registration annually for each calendar year.)
 - iii. **F.A.C. r. 34-12.210:** [[^] A lobbyist's registration to lobby a particular agency in behalf of a particular client shall be effective upon receipt by the Commission or other office established to administer lobbyist registration of the completed registration form prescribed in Rule 34-12.300, F.A.C. and the annual lobbyist registration fee, or, if the lobbyist already has registered to lobby another agency in behalf of a client and has paid the annual fee, receipt of an updated registration form describing the additional agency or agencies, as appropriate.]
 - iv. **F.A.C. r. 34-12.330:** [[^] (1) Each lobbyist must renew his or her registration to lobby an agency on behalf of a principal on a calendar year basis by filing a CE Form 20-R, Lobbyist Renewal Form, and the annual registration fee of \$25.00 for each principal represented. Prior to January 1 of each year, the Commission will mail to each currently registered lobbyist CE Form 20-R, together with a notice which states that the lobbyist must renew his or her registration of those principals the lobbyist continues to represent before agencies of the executive branch by filing the form and paying the annual registration fee. (2) CE Form 20-R, Executive Branch Lobbyist Renewal, effective 6/2006. To be utilized by lobbyists to renew their annual registration as an Executive Branch lobbyist. The form is generated by the Lobbyist Registration Office and mailed to registered lobbyists prior to January 1 of each year. Examples of the form may be obtained without cost from the Lobbyist Registration Office, 111 West Madison Street, Room G-68, Tallahassee, Florida 32399. Telephone (850) 922-4990.]
- d. Upon registration. 1 the [[^] registrant]/(person) shall [[^] include]/(provide) a [+ separate] statement signed by the principal or principal's representative that the registrant is authorized to represent the principal (±)2. On this statement 1, the principal will 2 also identify and designate 3 its main business using the 6-digit NAICS code published in the North American Industry Classification System–United States, 2007, which is hereby incorporated by reference. 4 & 3
 - i. **F.S.A. § 11.045(e):** (1⁻⁻⁻ “On this statement”); (2[^] shall); (3⁻⁻⁻ and designate) (4[^] on the statement authorizing that lobbyist pursuant to a classification system approved by the Office of Legislative Services.)
 - ii. **J.R.O. 1.2(2):** (1[^]At the time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office.); (2⁺ On the authorization statement.); (3[^] or principal's representative shall also identify and designate the principle's main business pursuant to a classification system approved by the Office of Legislative Services that shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal's main business.)
- e. The registration shall require each lobbyist to disclose, under oath, the following information: (a) Name and business address; [+ and telephone number;] (b) The name and business address of each principal represented [+ by the registrant;]; [+ (c) Name, business address, and telephone number of the lobbying firm on behalf of which the registrant is representing the principle, if any;] (c) His or her area of interest; (d) The

agencies before which he or she will appear; and ¹(e) The existence ² of any direct or indirect ³ business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, [as disclosed in the registration.] ⁴

- i. **J.R.O. 1.2 (1):** (¹--- (c) and (d)); (²^ extent); (³--- “or indirect”) (⁴^ that person has with any member of the Legislature.)
- f. (4) Any changes to the information provided on the registration form must be reported to the Commission ¹ in writing within 15 days ([±])².
 - i. **J.R.O. 1.2 (1):** (¹^ Lobbyist Registration Office); (²+ “on forms furnished by the Lobbyist Registration Office.”)
- g. Omitted by F.S.A. § 112.3215; [+ In the event that a lobbyist who has registered with the Commission undertakes to represent a new principal, or to represent a principal for whom he or she previously has registered before an agency for which he or she had not registered, a new registration shall be made before lobbying the agency in behalf of that principal.] ¹
 - i. **F.S.A. § 11.045(2)(a):** (¹^ Registration is required for each principal represented.)
 - ii. **J.R.O.:** (--- Entirely)
- h. A lobbyist ¹ shall promptly send a written statement ¹ to the commission ^{2 & 2} ([±])³. canceling the registration for a principal upon termination of the lobbyist's representation of that principal. ([±])⁴. Notwithstanding this requirement, the commission ⁵ may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.
 - i. **F.S.A. § 11.045(2)(c):** (¹^ A registrant) (²^ office)
 - ii. **J.R.O. 1.2(4):** (¹^ notice to the); (²^ Lobbyist Registration Office.); (³+ on forms furnished by the Lobbyist Registration Office); (⁴+ A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office.); (⁵^the Lobbyist Registration Office)
 - iii. **F.A.C. r. 34-12.340:** [[^] The principal of a lobbyist may cancel the lobbyist's registration by providing written notice to the Commission that the lobbyist is no longer authorized to represent that principal. A lobbyist must cancel his or her registration with the Commission upon termination of his or her contract or other such employment relationship with his or her principal. Such cancellation must be provided promptly by written notice to the Commission and until received, the lobbying firm will continue to be responsible for filing all required compensation reports.]

IV. **REGISTERING AFTER BEING CONVICTED OF A FELONY**²³

- a. A person convicted of a felony after January 1, 2006 may not register as a lobbyist until:
 - (a) The person has been released from incarceration and any post-conviction supervision;
 - (b) The person has paid all court costs and court-ordered restitution; and
 - (c) The person has had his or her civil rights restored.

²³ (F.S.A. § 112.32151); (F.S.A. § 11.0451); and (F.A.C. r. 34-12.200(5))

V. REGISTRATION FEE²⁴

- a. The annual lobbyist registration fee shall be set by the commission by rule, not to exceed \$ 40 for each principal represented.¹ (+)². [±]¹. [±]².
 - i. **F.S.A. § 11.045** (-- Entirely)
 - i. **J.R.O. 1.3(1)**: (¹^ To cover the costs incurred in administering Joint Rule One, each person who registers under Joint Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.) **J.R.O. 1.3(3)**: (²→+ The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this rule shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering Joint Rule One.)
 - ii. **F.A.C. r. 34-12.200**: [¹+ The registrant shall pay an annual registration fee of \$25.00 for each principal represented, which will be deposited into the Executive Branch Lobbyist Registration Trust Fund. The fee is payable only once on a calendar year basis and there will be no charge if the lobbyist amends his or her registration to lobby additional agencies on behalf of the same principal.]
 - iii. **F.A.C. r. 34-12.340**: [²+ In the event of a cancellation before the end of the year for which the lobbyist has paid the annual registration fee, no portion of the fee will be refunded to the lobbyist.]

VI. EXEMPTIONS TO REGISTRATION FEE²⁵

- a. Omitted from F.S.A. § 112.3215
 - i. **F.S.A. § 11.045(2)**: (+ The rule may provide for exemptions from registration or registration fees.)
 - ii. **F.S.A. § 11.045(2)(g)**: (+ Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.)
 - iii. **J.R.O. 1.3(2)**: (+ The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection: (a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes. (b) Two employees of the Fish and Wildlife Conservation Commission. (c) Two employees of the Executive Office of the Governor. (d) Two employees of the Commission on Ethics. (e) Two employees of the Florida Public Service Commission. (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.)

VII. THE LOBBYIST REGISTRATION TRUST FUND²⁶

- a. The Executive Branch Lobby Registration Trust Fund ¹ is hereby created within the commission to be used for the purpose of funding any office established to administer ² the registration of lobbyists lobbying an agency ³, including the payment of salaries and other expenses. (±)⁴. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund. ⁵

²⁴ (F.S.A. § 112.3215(4)), (J.R.O. 1.3) and (F.A.C. r. 34-12.200 & 12.340)

²⁵ (F.S.A. § 11.045(2)) and (J.R.O. 1.3)

²⁶ (F.S.A. § 112.3215(2)) and (F.S.A. § 11.045(9))

- i. **F.S.A. § 11.045(9):** (1^ There is hereby created the Legislative Lobbyist Registration Trust Fund); (2^ for the administration of); (3^ the Legislature); (4+ and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists.); (5^ Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.)
- ii. **J.R.O. 1.1:** (--- Entirely)
- iii. **F.A.C. r. 34-12:** [--- Entirely]

VIII. REPORTING EXPENDITURES²⁷

- a. [~~Notwithstanding § 112.3148, § 112.3149, or any other provision of law to the contrary,~~] no lobbyist or principal shall make, directly or indirectly, and no agency official, [~~member,~~] or employee shall knowingly accept, directly or indirectly, any expenditure [^ made for the purpose of lobbying] (±). (b) No person shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.
 - i. **F.S.A. § 11.045(4)(a):** (1+ except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session).
 - ii. **J.R.O.:** (---Entirely)
 - iii. **F.A.C. r. 34-12.180(1):** [+ Activities by a lobbyist which do not involve directly attempting to influence a specific decision of an agency in the area of policy or procurement may nonetheless be considered “lobbying” pursuant to Section 112.3215, F.S., and this Rule Chapter, where an expenditure is made by a lobbyist or principal for the personal benefit of an agency official or employee. Such expenditures will be considered to have been for the purpose of engendering goodwill, unless the agency official or employee is a relative of the lobbyist or principal paying for the expenditure.]
 - iv. **F.A.C. r. 34-12.190(1):** [+ Where an expenditure is made to a person other than the agency official or employee by a lobbyist or principal, where the expenditure or the benefit of the expenditure ultimately is received by the agency official or employee, and where the expenditure is provided with the intent to benefit the agency official or employee, such expenditure will be considered a prohibited indirect expenditure to the agency official or employee.]
 - v. **F.A.C. r. 34-12.190(2):** [+ Where an expenditure or the benefit of an expenditure is made to an agency official or employee by someone other than a lobbyist or principal, but the expenditure has been provided by or paid for by a lobbyist or principal who intends thereby to benefit the agency official or employee, such expenditure will be considered a prohibited indirect expenditure to the agency official or employee.]
 - vi. **F.A.C. r. 34-12.190(3):** [+ Factors which the Commission will consider in determining whether a prohibited indirect expenditure has been made include but are not limited to: (a) The existence or nonexistence of communications by the lobbyist or principal, or by the intervening third person, indicating the lobbyist’s or principal’s intent to make or convey the expenditure to the agency official or employee rather than to the intervening third person; (b) The existence or nonexistence of any relationship between the lobbyist or principal and the third person, independent of the relationship between the lobbyist or principal and the agency official or employee, that would motivate an expenditure to the third person; (c) The existence or nonexistence of any relationship between the third person and the agency official or employee that would motivate the expenditure; (d) Whether the same or similar expenditures have been

²⁷ (F.S.A. § 112.3215(6)); (F.S.A. § 11.045(4)(a)) and (F.A.C. r. 34-12.015, 12.180, 12.190)

or are being provided to other persons having the same relationship to the lobbyist or principal as the third person; (e) Whether, under the circumstances, the third person had full and independent decision-making authority to determine whether the agency official or employee, or another, would receive the benefit of the expenditure; (f) Whether the third person was acting with the knowledge or consent of, or under the direction of, the lobbyist or principal; (g) Whether there were or were intended any payments or bookkeeping transactions between the third person and the lobbyist or principal reimbursing the third person for the expenditure; and (h) The degree of ownership or control the lobbyist or principal has over the third person.]

IX. COMPENSATION REPORTS²⁸

- a. Each lobbying firm shall file a [+ CE Form 24, Executive Branch Quarterly] compensation report with the **commission** _{1 & 1} [+ on Ethics] for each calendar quarter during any portion of which one or more of the firm’s lobbyists were registered to represent a principal. (Pursuant to Section 112.32155, F.S., compensation reports must be filed electronically The [+ Quarterly Compensation Report] report shall include the (a) Full name, business address, and telephone number of the lobbying firm; (b) (+)₂ Name of each of the firm’s lobbyists; and (c) Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.
 - i. **F.S.A. § 11.045(3)(a):** (₁ ^office)
 - ii. **J.R.O. 1.4(1)(a):** (₁ ^ division);
 - iii. **J.R.O. 1.4(1)(a)(2):** (₂ + Registration)
 - iv. **F.A.C. 34-12.420:** [^ Following each quarterly reporting period the Commission will send to each lobbying firm that has one (1) or more currently registered lobbyist a copy of CE form 24 together with a notice stating that the form must be filed on or before the specified date.]

- b. For each principal represented by one or more of the firm’s lobbyists, the lobbying firm’s [^ Quarterly Compensation Report]/(compensation report) shall also include the: (a) Full name, business address, and telephone number of the principal; and (b) Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category “\$50,000 or more” is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

- c. [^ For lobbying work subcontracted]/(If the lobbying firm subcontracts) work from another lobbying firm and not [+ directly] from the [~~original~~] principal [+ originating the work, the employing lobbying firm shall be treated as a reporting lobbying firm’s principal, but the name and address of the principle originating the work shall also be provide]: [~~(a) The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm’s principal for reporting purposes under this paragraph; and (b) The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.~~]

- d. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted [+ in the Quarterly Compensation Report] [pursuant to this (+)₁ paragraph]. [+ That no compensation has been omitted from the Quarterly Compensation Report by deeming such compensation as “consulting services,”]

²⁸ (F.S.A. § 112.3215(5)); (J.R.O. 1.4); (F.S.A. § 11.045(3)) and (F.A.C. 34-12.400, 12.420)

“media services,” “professional services,” or anything other than compensation; and That no officer or employee of the lobbying firm has made an expenditure in violation of Section 112.3215, F.S., as amended by chapter 2005-359, Laws of Florida.]

- i. **J.R.O. 1.4(1)(d):** (1+ rule; certify that no compensation as “consulting services,” “media services,” “professional services,” or anything other than compensation; and certify that no officer or employee of the firm has made an expenditure in violation of § 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida)
- e. For each principal represented by [+ two or more lobbying firms] [~~more than one lobbying firm,~~] the commission 1 shall aggregate [+ quarterly and annually the compensation report] [~~the reporting period and calendar year compensation reported~~] as provided or owed by the principal [+ by aggregating the report ranges and specific dollar amounts]. (±)2.

- i. **J.R.O. 1.4(2):** (1^division); (2+ Compensation reported within a category shall be aggregated as follows:

| i. Category (dollars) | i. Dollar amount to use aggregating |
|-----------------------|-------------------------------------|
| v. 0 | v. 0 |
| i. 1-9,999 | i. 5,000 |
| i. 10,000-19,999 | k. 15,000 |
| k. 20,000-29,999 | i. 25,000 |
| i. 30,000-39,999 | i. 35,000 |
| v. 40,000-49,999 | v. 45,000 |
| i. 50,000 or more | i. Actual amount reported |

- f. The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. (±)1. Reporting statements **must** 1 & 2 be filed by electronic means as provided in s. 112.32155.2 & 3
 - i. **F.S.A. § 11.045(3)(c):** (1^ shall); (2^ § 11.0455).
 - ii. **J.R.O. 1.4(3):** (1+ The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection.); (2^shall); (3^ through the electronic filing system developed by the division, conforming to subsection (4)).

X. ELECTRONIC FILING OF COMPENSATION REPORTS²⁹

- a. As used in this section, the term “electronic filing system” means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.
- b. Each lobbying firm who is required to file reports with the Commission on Ethics pursuant to § 112.3215 1 must file such reports with the commission by means of the electronic filing system.
 - i. **F.S.A. § 11.0455(2):** (1^ s. 11.045)
 - ii. **J.R.O.:** (--- Entirely)
- c. A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in § 112.3215.1 & 2 A report

²⁹ (F.S.A. § 112.32155(11)); (F.S.A. § 11.0455); and (J.R.O. 1.4 & 1.6)

not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under § 112.3215(5)._{1 & 2}

- i. **F.S.A. § 11.0455(3):** (₁^ § 11.045); (₂^ § 11.045(3))
- ii. **J.R.O. 1.4(4)(b):** (₁^ Subsection (3)); (₂^ Joint Rule 1.5(1))

- d. Each report filed pursuant to this section is considered to meet the certification requirements of § 112.3215(5)(a)4._{1 (+)2}. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the commission that their credentials have been compromised.₁
 - i. **F.S.A. § 11.0455(4):** (₁^ § 11.045(3)(a)4); (₂^ →+ and as such subjects the person responsible for filing and the lobbying firm to the provision of § 11.045(7) and (8)).
 - ii. **J.R.O. 1.4(4)(c):** (₁^ Each person given secure sign-on credentials to file via the electronic filing system is responsible for protecting the credentials from disclosure and is responsible for all filings made by use of such credentials, unless and until the division is notified that the person's credentials have been compromised. Each report filed by electronic means pursuant to this rule shall be deemed certified in accordance with paragraph (1)(d) by the person given the secure sign-on credentials and, as such, subjects the person and the lobbying firm to the provisions of § 11.045(8), Florida Statutes, as well as any discipline provided under the rules of the Senate or House of Representatives.)
- e. The electronic filing system must₁: **(a)** Be based on access by means of the Internet. **(b)** Be accessible by anyone with Internet access using standard web-browsing software. **(c)** Provide for direct entry of compensation report information as well as upload of such information from software authorized by the commission. **(d)** Provide a method that prevents unauthorized access to electronic filing system functions. (±)₂
 - i. **J.R.O. 1.4(4)(d):** (₁^ shall) (₂^ →+ Provide for the issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.)
- f. The commission₁ shall provide by rule procedures to implement and administer this section, including, but not limited to: **(a)** Alternate filing procedures in case the electronic filing system is not operable. **(b)** The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.₁
 - i. **F.S.A. § 11.0455(6):** (₁^ Each house of the Legislature)
 - ii. **J.R.O. 1.4(5):** (₁^ The division shall provide reasonable public notice of the electronic filing procedures and of any significant changes in such procedures. If, whenever they deem it necessary, the President of the Senate and the Speaker of the House of Representatives jointly declare the electronic system not to be operable, the reports shall be filed in the manner required prior to April 1, 2007, as provided by House Concurrent Resolution 7011 (2007), enrolled, unless the President of the Senate and the Speaker of the House of Representatives direct use of an alternate means of reporting. The division shall develop and maintain such alternative means as may be practicable. Public notice of changes in filing procedures and any declaration or direction of the President of the Senate and the Speaker of the House of Representatives may be provided by publication for a continuous period of reasonable time on one or more Internet websites maintained by the Senate and the House of Representatives.)
- g. The commission_{1 & 2} shall make all the data₂ filed (±)₃ available on the Internet in an easily understood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and

principals, the affiliations between lobbyists and principals, and the classification system designated and identified by each principal pursuant to § 112.3215(3).^{2 & 4}

- i. **F.S.A. § 11.0455(7):** (¹ Each house of the Legislature shall provide by rule that the office); (² s. 11045(2)).
- ii. **J.R.O. 1.6(2):** (¹ Division); (² information); (³+ pursuant to Joint Rule 1.2 and 1.4 reasonably); (⁴ Joint Rule 1.2).

XI. DUTIES OF THE ETHICS COMMISSION, CLERK, OR ADMINISTRATOR³⁰

- a. The commission shall adopt rules to administer this section, which shall prescribe forms for registration and compensation reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.
 - i. **F.S.A. § 11:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.A.C. r. 34-12.728:** [+ The Commission hereby delegates to its investigators the authority to administer oaths and affirmations, delegates the authority to issue subpoenas to its chair and, in the absence or unavailability of the chair, to its vice chair, and authorizes its employees to serve any subpoena issued under the Commission's authority.]

XII. LOBBYING AGENCY RESPONSIBILITIES³¹

- a. Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.
 - i. **F.S.A. § 11:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.A.C. 34-12.500:** [+ Each agency should take reasonable steps to inform its employees who are likely to be approached by a lobbyist of the registration requirements of Section 112.3215, F.S., and to advise those employees to inform persons who may be required to register as lobbyists that: (1) They may be subject to the requirement of registering as a lobbyist with the Commission or other office established to administer lobbyist registration; and (2) They should contact the Commission or other office established to administer lobbyist registration for registration forms, if not available at the agency, and for further information about the requirements of the registration law.]

XIII. PRESERVATION OF RECORDS³²

- a. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation (+)₁. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Legislative Auditing Committee pursuant to s. 11.40₁ and such subpoena may be enforced in circuit court.
 - i. **F.S.A. § 11.045(2)(e):** (¹ legislative subpoena of either house of the Legislature)
 - ii. **J.R.O. 1.7:** (₁+ reports.)

³⁰ (F.S.A. § 112.3215(14)); and (F.A.C. r. 34-12.728)

³¹ (F.S.A. § 112.3215(12)) and (F.A.C. 34-12.500)

³² (F.S.A. § 112.3215(5)(e)); (F.S.A. § 11.045(2)(e)); (J.R.O. 1.7) and (F.A.C. 34-12.660)

XIV. INVESTIGATING COMPLAINTS³³

- a. Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.
 - i. **F.S.A. § 11.:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.A.C. r. 34-12.700:** [+ Commission proceedings on sworn complaints alleging that a lobbyist has failed to register, has failed to submit an expenditure report, or that a lobbyist or principal has knowingly submitted false information in any report or registration required to be filed by Section 112.3215, F.S., shall be governed by the procedures set forth in Rules 34-12.700 through 34-12.760, F.A.C.]
 - iv. **F.A.C. r. 34-12.705:** [+ The Commission's proceedings under these rules relating to investigation of complaints are preliminary to agency action and therefore do not determine the substantial interests of any party. However, the following persons shall be considered to be "parties" to the limited extent that under these rules they are entitled to notice and the opportunity to attend, participate in, or observe Commission complaint proceedings: (1) The Respondent, who shall be the person who is the subject of the complaint; (2) The Complainant(s), who shall be the person(s) who signed the sworn complaint; and (3) The Advocate, who shall be an Assistant Attorney General or another attorney designated by the Commission. No intervenors shall be permitted.]
 - v. **F.A.C. r. 34-12.710:** [+ (1) The Respondent and the Complainant may be represented by an attorney or by a qualified representative. After a written notice of appearance of the party's representative has been received by the Commission, all notices and communications to a party shall be made to the party's representative, and the party's representative shall be entitled to exercise the rights granted to the party under these rules. (2) Appearances by counsel or other qualified representatives shall be governed by Rules 28-106.105 and 28-106.106, F.A.C. The qualifications of a representative shall be determined in accordance with Rule 28-106.106, F.A.C. Qualified representatives shall observe the standards of conduct specified in Rule 28-106.107, F.A.C.]
 - vi. **F.A.C. r. 34-12.715(2):** [+ Upon receipt of a complaint, staff of the Commission shall review the complaint to insure that the proper complaint form has been used, that all the information required has been provided, that only one Respondent has been named in each complaint form submitted, and that the complaint has been properly signed by the Complainant under oath. One or more persons may sign a complaint under oath; however, when the complaint is to be filed under oath in a representative capacity, the complaint shall include sufficient information to indicate the Complainant's authority to file the complaint in behalf of the corporation, association, group, organization, or other entity. If the complaint lacks any of the foregoing or is otherwise incomplete, the complaint shall be returned to the Complainant with instructions on remedying the defect. Commission staff shall provide assistance or information to persons seeking to file a complaint, but shall not encourage, solicit, or discourage the filing of a complaint.]
 - vii. **F.A.C. r. 34-12.715(3):** [+ A copy of the sworn complaint shall be transmitted to the Respondent by certified mail, return receipt requested, prior to any Commission or staff action on the complaint. Subsequent sworn amendments to the complaint also shall be transmitted to the Respondent in the same manner. If the certified mailing is returned undelivered, personal

³³ (F.S.A. § 112.3215(8), (9), (10), (13); (J.R.O. 1.7) and (F.A.C. r. 34-12.700 – 12.760)

service of the copy of the complaint may be used in the manner provided by law for service of subpoenas, while maintaining the confidentiality of the complaint to the extent possible under the circumstances.]

- viii. F.A.C. r. 34-12.725: [+ After a complaint has been filed with the Commission, the Commission may permit the Complainant to withdraw the complaint only for good cause shown. A request for withdrawal shall be in writing, signed by the Complainant and witnessed by a notary public, and shall state the facts and circumstances constituting good cause. The Executive Director shall prepare a written recommendation regarding disposition of the request, which shall be provided to the Commission together with the request. “Good cause” shall be determined based upon the legal sufficiency or insufficiency of the complaint to allege a violation of the law, the stage of disposition of the complaint before the request was received, the reasons given by the Complainant for wishing to withdraw the complaint, and the public welfare. If withdrawal is permitted, the Commission shall order the complaint dismissed and shall proceed in accordance with Rule 34-12.720, F.A.C., as if the complaint had been dismissed under that rule.]
- b. The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation report, or has knowingly submitted false information in any report or registration required in this section. ¹ (+)².
- i. **F.S.A. § 11: (--- Entirely)**
 - ii. **J.R.O. 1.7(2):** (¹^ Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to Joint Rule One, the Senate Rules, or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.
 - iii. **J.R.O. 1.7(3):** (²→+ The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.)
 - iv. **F.A.C. r. 34-12.720:** [+ (1) After the complaint has been reviewed and found to be in proper form, the complaint shall be reviewed by the Executive Director in order to determine whether the Commission has jurisdiction over the complaint. Complaints need not be as precise as would be required by the rules of civil procedure in a court of law and shall be deemed sufficient if the Complainant, under oath upon knowledge of belief, alleges matters which, if true, may constitute a violation of Section 112.3215, F.S. A complaint shall not be insufficient because it is based upon hearsay evidence. In order to make this determination, the Executive Director may request additional information from the Complainant and may obtain information from public records. (2) If the Executive Director finds that the complaint is sufficient to invoke the jurisdiction of the Commission, the Executive Director shall order an investigation of the complaint and the parties shall be notified accordingly. (3) If the Executive Director finds that the complaint is not sufficient to invoke the jurisdiction of the Commission, the parties shall be notified and the complaint shall be brought before the Commission in executive session with the recommendations of the Executive Director. The Commission may find the complaint to be sufficient and order an investigation; may find the complaint to be insufficient and dismiss it without investigation; or may take such other action as may be appropriate. The parties shall be notified of the Commission’s action.]

- c. All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of § 119.07(1) and § 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of § 286.011(1) and § 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.
- i. **F.S.A. § 11.:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.A.C. r. 34-12.715(1):** [+ Upon receipt of a sworn complaint, staff shall stamp on the face thereof the date on which the complaint was received in the Commission office. Each complaint received shall be assigned a control number which shall be entered on the complaint itself and on a colored folder in which the complaint shall be filed so long as it remains confidential. Any document related to the complaint shall be entered into the complaint file.]
 - iv. **F.A.C. r 34-12.760:** [+ The complaint and all Commission and staff activities, proceedings, and documents relating to a complaint are confidential, notwithstanding any provision of Chapters 119, 120, and 286, F.S., unless confidentiality is waived in writing by the Respondent. (1) When a complaint is dismissed without investigation as provided in Rule 34-12.720, F.A.C., the complaint, the Executive Director's recommendation, and the Commission's order dismissing the complaint will become public records available to the public upon the filing of the order with the Clerk of the Commission; the remainder of the file and the investigative file will remain confidential. (2) When a complaint is dismissed with a finding of no probable cause, the complaint, the report of investigation, and the Commission's order will become public records available to the public upon the filing of the order with the Clerk of the Commission; the remainder of the file and the investigative file will remain confidential. (3) When the Commission finds probable cause to believe that a violation has occurred, all documents made or received in the disposition of the complaint shall become public records available to the public upon the filing of the Commission's order with the Clerk of the Commission.]
- d. The commission shall ¹ investigate any lobbying firm, agency, officer, or employee ² upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report. ³
- i. **F.S.A. § 11.045(7):** (¹^ Each house of the Legislature shall provide by rule that a committee of either house investigate any person upon receipt of a sworn complaint alleging a violation of this section, § 112.3148, or § 112.3149 by such person; also, the rule shall provide that a committee of either house); (²--- agency, officer, or employee); (³^ audit information indicating a possible violation other than a late-filed report.)
 - ii. **J.R.O.:** (~~--- Entirely~~)
- e. Records relating to an audit conducted pursuant to this section or an investigation conducted pursuant to this section or § 112.32155 are confidential and exempt from § 119.07(1) and § 24(a), Art. I of the State Constitution.
- i. **F.S.A. § 11.:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
- f. Any portion of a meeting wherein such investigation or audit is discussed is exempt from § 286.011 and § 24(b), Art. I of the State Constitution.
- i. **F.S.A. § 11.:** (~~--- Entirely~~)

- ii. **J.R.O.:** (~~--- Entirely~~)

- g. The exemptions no longer apply if the lobbying firm requests in writing that such investigation and associated records and meetings be made public or the commission determines there is probable cause that the audit reflects a violation of the reporting laws.
 - i. **F.S.A. § II:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)

- h. Subpoenas Omitted Entirely by F.S.A. § 112.
 - i. **F.S.A. § II:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.A.C. r. 34-12.730:** [+ At any time after an investigation of a complaint has been ordered, upon recommendation of the Executive Director or upon motion of the Commission, the Commission Chair or other member authorized by the Commission may authorize the issuance of subpoenas or subpoenas duces tecum. Each subpoena shall be signed by the Chair or another member authorized by the Commission and shall state the person, documents, or other things to be subpoenaed. Each subpoena further shall name the person before whom the witness is to give testimony and the proceeding for which the subpoena is issued. If documents or other things are to be produced, the subpoena shall describe them with as much specificity as reasonably practicable. The subpoena shall state on its face the authority under which it is issued. Such subpoenas shall be issued for investigative purposes only, and neither the Complainant, the Respondent, or their representatives shall be entitled to attend the investigative proceeding at which the witness is to give a statement unless the Complainant or Respondent is the person subpoenaed.]

- i. Investigation Procedures Omitted Entirely by F.S.A. § 112.
 - i. **F.S.A. § II:** (~~--- Entirely~~)
 - ii. **J.R.O.:** (~~--- Entirely~~)
 - iii. **F.R.A. r. 34-12.735:** [+ (1) Investigation shall be conducted by Commission staff, by personnel of the Department of Legal Affairs, or by any other person or agency so designated by the Commission. An investigator shall be impartial and unbiased in the conduct of the investigation. If an investigator feels that for any reason he or she cannot be impartial or unbiased, then the investigator shall so notify the Executive Director and shall immediately discontinue working on the investigation. If the Executive Director or the Commission concludes that the investigator cannot be unbiased or impartial, the investigator shall be relieved of any further responsibilities for that investigation. (2) Investigations shall be limited to evidence relating to the potential violations alleged in the complaint as determined in the order to investigate entered by the Executive Director or the Commission. (3) Except when obtaining copies of public records, the investigator shall inform the person being interviewed of the confidential nature of the complaint and of the investigation, unless the Respondent has waived confidentiality. (4) The investigator shall prepare an investigative file containing: copies of all documents obtained during the course of the investigation; tape recordings of interviews with witnesses which have been recorded; summaries or notes of interviews which have not been recorded; and any other materials of probative value to the issues investigated. (5) Upon the completion of the investigation, the investigator shall prepare a report to the Commission. The report shall contain a narrative account of all pertinent information obtained through interviews of witnesses, documentary evidence, or other sources, and shall include a discussion of any conflicts in the evidence. The report shall make no recommendation as to whether a violation is indicated by the evidence. (6) The Executive Director shall send to the Respondent and the Complainant a copy of the report of investigation by certified mail, return receipt requested.]

j. If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If, after investigating information from a random audit of lobbying reports, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary

i. **F.S.A. § 11.045: (--- Entirely)**

ii. **J.R.O.: (--- Entirely)**

iii. **F.A.C. r. 34-12.740:** [+ The Respondent may file a written motion to dismiss the complaint for lack of jurisdiction stating with particularity the grounds therefor. A copy shall be served on the Advocate, who may file a written response within ten days of service of the motion. The Commission shall hear the arguments of the Respondent and Advocate on such a motion immediately prior to the probable cause hearing. If the Commission finds that it has jurisdiction over any matters alleged in the complaint, it shall deny the Respondent's motion with respect to those allegations and shall proceed to the probable cause hearing of those matters over which it finds it has jurisdiction. If the Commission finds that it has no jurisdiction over any matter alleged in the complaint, it shall order the complaint dismissed and shall proceed in accordance with Rule 34-12.720, F.A.C., as if the complaint had been found insufficient and dismissed without investigation.]

iv. **F.A.C. r. 34-12.745:** [+ The Advocate shall review the report of investigation and make a written recommendation to the Commission as to whether there is probable cause to believe that the Respondent violated Section 112.3215, F.S. A copy of the recommendation shall be sent by certified mail, return receipt requested, to the Respondent and the Complainant no later than 14 days prior to the probable cause hearing.]

v. **F.A.C. r. 34-12.750:** [+ (1) The Respondent and the Complainant shall be given at least 14 days notice of the probable cause hearing. (2) The probable cause hearing is the conclusion of the preliminary investigation. The Respondent and the Advocate shall be permitted to make brief oral statements in the nature of oral argument to the Commission, based on the investigator's report, before the probable cause determination. The Commission's determination shall be based upon the investigator's report, the Advocate's recommendation, the complaint, and staff recommendations, as well as any written statements submitted by the

respondent and any oral statements made at the hearing. No testimony or other evidence will be accepted at the hearing. (3) At the probable cause hearing the Commission may find that there is probable cause to believe that the Respondent committed one or more violations of Section 112.3215, F.S.; may find that there is no probable cause to believe that the Respondent violated Section 112.3215, F.S., and dismiss the complaint; or may continue the hearing to allow further investigation.]

vi. F.A.C. r. 34-12.755: [+ The Commission's order finding probable cause or finding no probable cause shall be sent to the Respondent and the Complainant by certified mail, return receipt requested. If the Commission finds probable cause to believe a violation occurred, copies of the complaint, of the report of investigation, and of the Commission's order shall be sent to the Governor and Cabinet.]

k. If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund. 1 (+)2.

- i. F.S.A. § 11.45(7): (1^ If the committee finds that there has been a violation of this section, § 112.3148, or § 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.
- ii. F.S.A. § 11.45(8): (2+ Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (7).)
- iii. J.R.O.: (--- Entirely)

XV. ADVISORY OPINIONS³⁴

a. Any person, 1 when in doubt about the applicability and interpretation of this [^ Section 112.3215, F.S.,]/(section) to himself [or herself] in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. 2 (+)3. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request. 4 & 1 (±)2.

- i. F.S.A. § 11.045(5)&(6): (1^ Each house of the Legislature shall provide by rule a procedure by which a person,); (2^ for an advisory opinion to the committee of either house and may appear in person before the committee.) (3+ The rule shall provide a procedure by which: (a) The committee shall render advisory opinions to any person who seeks advice as to whether the

³⁴ (F.S.A. § 112.3215(11)); (F.S.A. § 11.045(5)&(6)); (J.R.O. 1.8) and (F.A.C. 34-12.600 – 12.650)

facts in a particular case would constitute a violation of this section. (b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. (c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection. Each house of the Legislature shall provide by rule for keeping all advisory opinions of the committees relating to lobbying firms, lobbyists, and lobbying activities. The rule shall also provide that each house keep a current list of registered lobbyists along with reports required of lobbying firms under this section, all of which shall be open for public inspection.); (1--“An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.”)

- ii. **J.R.O. 1.8(1):** (1^ A person may request in writing an informal opinion from the General Counsel of the Office of Legislative Services as to the application of this Joint Rule One to a specific situation involving that person’s conduct. The General Counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion that is issued shall be provided to the presiding officer of each house. A committee of either house designated pursuant to § 11.045(5), Florida Statutes, may revise any informal opinion rendered by the General Counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.);
- iii. **J.R.O. 1.8(2):** (2→+ A person in doubt about the applicability or interpretation of this Joint Rule One with respect to that person’s conduct may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to § 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with § 11.045(5), Florida Statutes.)
- iv. **F.A.C. r. 34-12.610:** [+ Requests for opinions shall be in writing and signed by the person making the request or by his representative. Requests for opinions shall state all material facts necessary for the Commission to understand the circumstances and render a complete and correct opinion. The person requesting the opinion may, at any time, furnish the Commission with legal memoranda, additional facts, or any other information relevant to the opinion requested.]
- v. **F.A.C. r. 34-12.620:** [+ (1)If the Executive Director determines that the person making the request for an opinion does not have standing to receive an advisory opinion, the Executive Director shall notify the person making the request that an advisory opinion cannot be rendered. If the person seeking the opinion has standing to receive an advisory opinion, the Executive Director shall acknowledge receipt of the request. (2) If additional information would be of assistance in preparing the opinion, the person requesting the opinion shall be notified and asked to furnish such additional information (3) A working draft of an opinion shall be prepared by staff of the Commission, under the supervision of the Executive Director. The Executive Director shall approve the final working draft, or may have alternative working drafts prepared, as appropriate. (4) When a working draft of the advisory opinion is completed and approved by the Executive Director, it shall be sent to all Commission members at least ten days prior to the meeting of the Commission at which it will be considered. The person requesting the opinion shall be provided a copy of the working draft or drafts and shall be notified of the time and place of the Commission meeting at which the opinion will be agendaed for consideration. The person requesting the opinion shall be advised that the working draft or drafts are not final and that any additional comments, legal memoranda, or further information relevant to the opinion should be submitted as promptly as possible, but no later than the day before the meeting when the advisory opinion will be considered. The person requesting the opinion may attend the meeting and be heard by the Commission with respect to the opinion.]
- vi. **F.A.C. r. 34-12.630:** [+ (1) The draft or drafts of the advisory opinion shall be considered as an agenda item by the Commission and adopted in full, amended, modified, or rejected. The Commission may take any other action necessary for the rendition of a full and accurate opinion, including, but not limited to, directions that further information be provided or that further research be undertaken. (2) The advisory opinion shall be finally approved by the Commission by majority vote. The opinion shall be numbered, dated, and signed by the Chair. The advisory opinion shall be mailed to the person who requested the opinion. (3) A person requesting an advisory opinion may request reconsideration of the opinion by filing with the

Commission a request for reconsideration within 15 days of the date the opinion was rendered. The request for reconsideration shall set forth material facts and circumstances which were not before the Commission in its deliberations on the request or which were misstated in the opinion. If the Commission finds that these facts and circumstances would alter the opinion, the Commission may order its staff to redraft the final opinion or to prepare a new working draft of the opinion for later consideration. If the Commission finds that these facts and circumstances would not alter the opinion, it shall deny the request for reconsideration and so notify the person requesting the opinion by letter.]

- vii. F.A.C. r. 34-12.640: [+ Until amended or revoked, an advisory opinion shall be binding on the conduct of the person who sought the opinion, or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the opinion.]
- viii. F.A.C. r. 34-12.650: [+ Advisory opinions relating to lobbying executive branch agencies shall be published together with other advisory opinions rendered by the Commission, as provided in Rule 34-6.010, F.A.C. The first two digits of the advisory opinion number shall be the last two digits of the year in which the opinion was rendered. Following the year shall be a dash and the number of the opinion. For example, the tenth opinion issued in 1989 will be 89-10, or CEO 89-10.]

XVI. PENALTIES AND FINES³⁵

- a. The commission shall provide by rule the grounds for waiving a fine, the₁ procedures by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines.₂ The rule shall₃ provide for the following:
 - i. **F.S.A. § 11.045(3)(d):** (₁[^] Each house of the Legislature shall provide by rule, or both houses may provide by joint rule a); (₂⁻⁻⁻ “and the procedure for appealing the fines.”); (₃[^] must)
 - ii. **J.R.O.:** (₋₋₋ Entirely)
- b. Upon determining that the [[^] Quarterly Compensation] report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum₁ of \$5,000 per late report.
 - i. **F.S.A. § 11.045(3)(d)(1):** (₁[^] not to exceed)
- c. Upon receipt of the [[^] late filed] report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following: (a.) When a report is actually received by the lobbyist registration and reporting office.[^] (b) When the report is postmarked; (c) When the certificate of mailing is dated or (d) When the receipt from an established courier company is dated] ~~(b)~~ When the electronic receipt issued pursuant to s. 112.3215₁ is dated. (_±)₁
 - i. **F.S.A. § 11.045(3)(d)(2)(a):** (₁[^] s. 11.0455)
 - ii. **F.A.C. 34-12-405(3):** [+ After the person designated to review the timeliness of reports has calculated the amount of the fine that has been assessed against a lobbying firm, the lobbying firm will be notified of the amount of the payment due.]
- d. Such fine shall₁ be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office,₁ unless appeal is made to the commission.₂ &₂ The [[^] monies]/(moneys) shall be deposited into the Executive Branch Lobby Registration Trust Fund.₃
 - i. **F.S.A. § 11.045(3)(d)(3):** (₁[^] must); (₂[^] office) (₃[^] Legislative Lobbyist Registration Trust Fund)
 - ii. **J.R.O. 1.5(3):** (₁[^] person designated to review the timeline of reports); (₂[^] division)

³⁵ (F.S.A. § 112.3215(5)(d)); (F.S.A. § 11.045(3)(d)); (J.R.O. 1.5); and (F.A.C. r. 34-12.405, 12.407)

- e. A fine shall ¹ not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the (1) one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within thirty (30) days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. ¹ A fine shall be assessed for any subsequent late-filed reports.
- i. **F.S.A. § 11.045(3)(d)(4):** (¹ may);
 - ii. **J.R.O. 1.5(4):** (¹ person designated to review the timeline of reports);
- f. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, ¹ & ¹ ([±])² & ². which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. ³ & ³. ([±])⁴ & ⁴.
- i. **F.S.A. § 11.045(3)(d)(5):** (¹ General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the house of Representatives, or their respective designees that the fine be waived in whole or in part for good cause shown.); (² The president of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendations and waive the fine in whole or in part.); (³ request a hearing.)
 - ii. **F.S.A. § 11.045(3)(d)(6):** (⁴ A lobbying firm may request that the filing of a report waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Council of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.)
 - iii. **J.R.O. 1.5(5):** (¹ General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the house of Representatives, or their respective designees that the fine be waived in whole or in part for good cause shown.); (² The president of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendations and waive the fine in whole or in part.); (³ request a hearing.)
 - iv. **J.R.O. 1.5(6):** (⁴ A lobbying firm may request that the filing of a report waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Council of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.)
 - v. **F.A.C. r. 34-12.407(1):** [[^] A lobbying firm wishing to appeal or dispute a fine imposed in accordance with Section 112.3215(5)(e)5., F.S., shall file with the Commission on Ethics a notice of appeal within 30 days of the date of the notice of payment due is transmitted by the lobbyist registration office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. The notice of appeal may be accompanied by any documentation or evidence supporting the claim.]
 - vi. **F.A.C. r. 34-12.407(2):** [[^] Failure to timely file a notice of appeal as described herein shall constitute a waiver of any such entitlement. A final order of waiver shall be promptly entered by the chairman of the Commission on Ethics without the necessity of any further action being taken by the Commission.]
 - vii. **F.A.C. r. 34-12.407(3):** [[^] A lobbying firm desiring a hearing before the Commission shall include in the notice of appeal a separate request for hearing. If no request for hearing is

included in the notice of appeal, the Commission's determination shall be based on the notice and any supporting information and shall be final agency action. If a separate request for hearing is included in the notice, notice of hearing shall be provided and the Commission's determination after hearing shall be final agency action. Failure to appear in accordance with the notice of hearing shall constitute a waiver of such entitlement, and the Commission shall dispose of the case on the written record before it.]

- g. The person designated to review the timeliness of reports shall notify the **commission** ¹ & ¹ of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. [All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, ~~(+)~~₂ and the **commission**~~₂ & ₃~~ shall promptly notify all affected principals ~~(+)~~₄ of each suspension and each reinstatement.] ~~(+)~~₅. ~~(+)~~₆. ~~(+)~~₇. ~~(+)~~₈. ~~(+)~~₉.
- i. **F.S.A. § 11.045(3)(d)(8):** (¹^ coordinator of the office);
 - ii. **F.S.A. § 11.045(3)(d)(7):** (²^ office);
 - iii. **J.R.O. 1.5(8):** (¹^ director of the division).
 - iv. **J.R.O. 1.5(7):** (²+ and all late reports have been filed or waived.) (³+ The division); (⁴+ the President of the Senate, and the Speaker of the House of Representatives); (⁵→+ All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.); (⁶+ No such lobbyist may be reinstated in any capacity representing any principal until the fine is paid and all late reports have been filed or waived or until the fine is waived as to that lobbyist and all late reports for that lobbyist have been filed or waived.); (⁷+ A suspended lobbyist may request a waiver upon good cause shown, based on unusual circumstances.); (⁸+ The request must be filed with the General Counsel of the Office of Legislative Services who shall, as soon as practicable, make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives.); (⁹+ The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.)
- h. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.
- i. **F.S.A. § 11:** (--- Entirely)
 - ii. **J.R.O.:** (--- Entirely)
 - iii. **F.A.C. 34-12.405:** [^ Fines imposed by the Commission that remain unpaid sixty (60) days after the notice of payment due is transmitted or sixty (60) days after the Commission renders its final order shall be transmitted to the Department of Financial Services for Collection.

XVII. CONTINGENCY FEES; PROHIBITIONS; PENALTIES³⁶

- a. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific **executive** ¹ branch action.
- i. **F.S.A. § 11.047(1):** (¹^ legislative)
 - ii. **J.R.O.:** (--- Entirely)

³⁶ (F.S.A. § 112.3217) and (F.S.A. § 11.047)

- b. No person may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive, a contingency fee. However, this subsection does not apply to claims bills.
 - i. **J.R.O.:** (--- Entirely)
- c. Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in § 775.082 ¹ or § 775.083 ². If such person is a lobbyist, the lobbyist shall forfeit any fee, bonus, commission, or profit received in violation of this section and is subject to the penalties set forth in § 112.3215 ³. When the fee, bonus, commission, or profit is nonmonetary, the fair market value of the benefit shall be used in determining the amount to be forfeited. All forfeited benefits shall be deposited into the Executive Branch ⁴ Lobby Registration Trust Fund.
 - i. **F.S.A. § 11.047(3):** (¹ § 775.082); (² § 775.083); (³ § 11.045) (⁴ Legislative)
 - ii. **J.R.O.:** (--- Entirely)
- d. Omitted by F.S.A. § 112.
 - i. **F.S.A. § 11.047(4):** (+ This section does not apply to any contract providing for compensation by contingency fee which is in existence on the date this act becomes a law and which does not provided for compensation by contingency fee for lobbying after December 31, 1993).
 - ii. **J.R.O.:** (--- Entirely)
- e. Nothing in this section may be construed to prohibit any salesperson engaging in legitimate state business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company.
 - i. **J.R.O.:** (--- Entirely)

XVIII. STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST; REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS³⁷

- a. **F.S.A. § 11.061(1):** Any person employed by any executive, judicial, or quasi-judicial department of the state or community college or state university who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any committee thereof, shall, prior thereto, register as a lobbyist with the joint legislative office on a form to be provided by the joint legislative office in the same manner as any other lobbyist is required to register, whether by rule of either house or otherwise. This shall not preclude any person from contacting her or his legislator regarding any matter during hours other than the established business hours of the person's respective agency, state university, or community college. **(2)(a)** Each state, state university, or community college employee registered pursuant to the provisions of this section shall Record with the chair of the committee any attendance before any committee during established business hours of the agency, state university, or community college employing the person. Record with the joint legislative office any attendance in the legislative chambers, committee rooms, legislative offices, legislative hallways, and other areas in the immediate vicinity during the established business hours of the agency, state university, or community college employing the person. **(b)** Any person who appears before a committee or subcommittee of the House of Representatives or the Senate at the request of the committee or subcommittee chair as a witness or for informational purposes shall be exempt from the provisions of this subsection. **(3)** Any state, state university, or community college employee who violates any provision of this section by not registering with the joint legislative office as a lobbyist or by failing to record hours spent as a lobbyist in areas and activities as set forth in this section

³⁷ (F.S.A. § 11.061)

during the established business hours of the agency, state university, or community college employing the person shall have deducted from her or his salary an amount equivalent to her or his hourly wage times the number of hours that she or he was in violation of this section. (4) Any person employed by any executive, judicial, or quasi-judicial department of the state or by any community college or state university whose position is designated in that department's budget as being used during all, or a portion of, the fiscal year for lobbying shall comply with the provisions of subsection (1), but shall be exempt from the provisions of subsections (2) and (3).

XIX. USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY³⁸

- a. 1.** No funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes, which shall include the cost for publication and distribution of each publication used in lobbying; other printing; media; advertising, including production costs; postage; entertainment; and telephone and telegraph. Any state employee of any executive, judicial, or quasi-judicial department who violates the provisions of this section shall have deducted from her or his salary the amount of state moneys spent in violation of this section.
 - i. 2(a)** A department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the legislative or executive branch. However, full-time employees of a department of the executive branch, a state university, a community college, or a water management district may register as lobbyists and represent that employer before the legislative or executive branch. Except as a full-time employee, a person may not accept any public funds from a department of the executive branch, a state university, a community college, or a water management district for lobbying. **(b)** A department of the executive branch, a state university, a community college, or a water management district that violates this subsection may be prohibited from lobbying the legislative or executive branch for a period not exceeding 2 years. **(c)** This subsection shall not be construed to prohibit a department of the executive branch, a state university, a community college, or a water management district from retaining a lobbyist for purposes of representing the entity before the executive or legislative branch of the Federal Government. Further, any person so retained is not subject to the prohibitions of this subsection. **(d)** A person who accepts public funds as compensation for lobbying in violation of this subsection may be prohibited from registering to lobby before the legislative or executive branch for a period not exceeding 2 years. **(e)** A person may file a written complaint with the Commission on Ethics alleging a violation of this subsection. The commission shall investigate and report its finding to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet. Based upon the report of the Commission on Ethics or upon its own finding that a violation of this subsection has occurred, a house of the Legislature may discipline the violator according to its rules, and the Governor or the Governor and Cabinet, as applicable, may prohibit the violator from lobbying before the executive branch for a period not exceeding 2 years after the date of the formal determination of a violation. The Commission on Ethics shall adopt rules necessary to conduct investigations under this paragraph.

XX. MISCELLANEOUS SECTIONS OF CODE

- a.** N/A

³⁸ (F.S.A. § 11.062)

Florida Counties With POP > 100K

| Counties with POP > 100k | Population* | Lobbying Code (Y/N) |
|--------------------------|-------------|---------------------|
| Miami-Dade County | 2,496,435 | Yes |
| Broward County | 1,748,066 | Yes |
| Palm Beach County | 1,320,134 | Yes |
| Hillsborough County | 1,229,226 | Yes |
| Orange County | 1,145,956 | Yes |
| Pinellas County | 916,542 | Yes |
| Duval County | 864,263 | Yes |
| Lee County | 618,754 | Yes |
| Polk County | 602,095 | Partial |
| Brevard County | 543,376 | No |
| Volusia County | 494,593 | No |
| Pasco County | 464,697 | No |
| Seminole County | 422,718 | No |
| Sarasota County | 379,448 | No |
| Marion County | 331,298 | Partial |
| Manatee County | 322,833 | Yes |
| Collier County | 321,520 | Yes |
| Escambia County | 297,619 | No |
| Lake County | 297,052 | Yes |
| St. Lucie County | 277,789 | Yes |
| Leon County | 275,487 | Yes |
| Osceola County | 268,685 | No |
| Alachua County | 247,336 | No |
| Clay County | 190,865 | Yes |
| St. Johns County | 190,039 | No |
| Okaloosa County | 180,822 | No |
| Hernando County | 172,778 | No |
| Bay County | 168,852 | No |
| Charlotte County | 159,978 | No |
| Santa Rosa County | 151,372 | No |
| Martin County | 146,318 | No |
| Citrus County | 141,236 | No |
| Indian River County | 138,028 | No |

*U.S. Census Statistics 2010

Breakdown of Florida Counties That Have Lobbying Codes

I. **INTENT & PURPOSE**

- a. **Broward § 1-260(a)**: Sections 1-260 through 1-266 of Chapter 1, Broward County Code, may be cited as the "Broward County Lobbyist Registration Act." (b) The Board of County Commissioners of Broward County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county 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, expenditures, fees, and activities of certain persons who engage in efforts to influence County Commissioners, decision-making bodies under the jurisdiction of the Board of County Commissioners, and certain County employees on matters within their official jurisdictions, either by direct communication to such Commissioners, decision-making bodies, or County employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.
- b. **Hillsborough**: N/A
- c. **Lee**: N/A
- d. **Leon**: N/A
- e. **Miami-Dade § 2-11.1**: This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to
- f. **Orange**: N/A
- g. **Palm Beach § 2-351(a)**: This article may be cited as the "Palm Beach County Lobbyist Registration Ordinance." (b) The board of county commissioners of the county and the governing bodies of the municipalities located within the county hereby determine that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county and local governments for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; 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 the county commissioners, members of the local municipal

governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, county and municipal advisory board members, and county and municipal employees on matters within their official duties, be publicly and regularly disclosed. In accordance with Section 1.3 of the County Charter, this article shall not apply in any municipality that has adopted an ordinance in conflict governing the same subject matter.

II. **DEFINITIONS**

a. ***DEFINED:***

- i. **Broward § 1-261:** Board, Lobbying/Lobbying Activities, Person, Lobbyist, Employer, Compensation, Covered Individual, Final Decision-Making Authority.
- ii. **Hillsborough 07-8 § 1(a)-(d):** Government Employees, Lobbyist, Affected Personnel, Lobbying.
- iii. **Lee:** Lobbying, Lobbyist, Paid Lobbyist, Immediate Family, Principal, Employee, Decision-making Body.
- iv. **Leon:** Lobbying, Lobbyist, Lobbying Firm, Principal, Employee, Decision-making Body.
- v. **Miami-Dade § 2-11.1:** Commissioners, Autonomous Personnel, Quasi-Judicial Personnel, Advisory Personnel, Department Personnel, Employees, Compensation, Controlling Financial Interest, Immediate Family, Transact Any Business, Ethics Commission, Domestic Partner, Contract Staff, County Personnel.
- vi. **Orange:** Black-out Period, Board, Compensation, County, Development Permit, Expenditure, Lobbyist, Lobbying, Ministerial Item, Principal, Procurement Committee, Procurement Matter.
- vii. **Palm Beach:** Advisory Board, Board, County Commissioner, Central Lobbyist Registration Site, Lobbying, Lobbyist, Local Municipal Governing Body, Member of Local Municipal Governing Body, Official/Employee, Palm Beach County Commission on Ethics, Persons/Entities, Principal.

b. ***LOBBIES/LOBBYING:***

- i. **Broward § 1-261:** means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications: (1) Made on the record at a duly-noticed public meeting or hearing; or (2) From an attorney to an attorney representing Broward

County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County.

- ii. **Hillsborough 07-8 § 1(d)**: means meeting privately with affected personnel in order to encourage the passage, defeat, or modification of any item pending before the Board of County Commissioners or being considered by the lobbied employees for presentation or recommendation to the Board of County Commissioners.
- iii. **Lee § 22-71(a)**: means communications outside of a duly noticed public meeting or hearing on the record, whether written or oral by a lobbyist, with any member or members of the board of county commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the board of county commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.
- iv. **Leon § 2-700(a)**: shall mean communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the board of county commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the board of county commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.
- v. **Miami-Dade § 2-11.1.2(a)**: No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position unless this Board grants a specific waiver for a specific lobbying activity.
- vi. **Orange**
 - 1. **§ 2-351(i)**: means: (1) To communicate or the act of communicating directly with the county mayor, with any other member of the board, or with any member of a procurement committee; or (2) To communicate indirectly with the county mayor or any other member of the board by communicating with any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county

administrator, any deputy or assistant county administrator, the county attorney, any county department director, or any county division manager. In either case, lobbying seeks to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any ordinance, resolution, agreement, development permit, other type of permit, franchise, vendor, consultant, contractor, recommendation, decision or other foreseeable action of the board. Lobbying shall include all such communications, regardless of whether initiated by the lobbyist or by the person being lobbied and regardless of whether oral, written or electronic.

2. **§ 2-355:** Except as expressly set forth in subsections 17-313(g) and 17-313.1(f), during the black-out period, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, either (i) the mayor or his or her respective staff; (ii) any member of the board or their respective staff; or (iii) any county employee assigned to the procurement committee (if any)
 3. **§ 2-355.1:** During the black-out period, no lobbyist, principal, or other person may provide a contribution, as defined in F.S. § 106.011, on behalf of a competing party acting in a particular procurement matter, to either (i) the mayor or any member of the county commission or (ii) any candidate for mayor or county commission.
- vii. **Palm Beach § 2-352:** shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

c. LOBBYING FIRM:

- i. **Broward:** N/A
- ii. **Hillsborough:** N/A
- iii. **Lee:** N/A
- iv. **Leon § 2-700(c):** means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.
- v. **Miami-Dade:** N/A
- vi. **Orange:** N/A
- vii. **Palm Beach:** N/A

d. **LOBBYIST:**

- i. **Broward § 1-261:** means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
(1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity; (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby; (3) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or (4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- ii. **Hillsborough 07-8 § 1(b):** means any person who is paid to engage in lobbying as defined in this ordinance. The definition of Lobbyist includes officers, directors, shareholders, employees, principals and members of legal entities when such persons engage in lobbying on behalf of their respective entities.
- iii. **Lee § 22-71(b):** means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this article. (c) *Paid lobbyist* means a person, firm, corporation or other legal entity who is employed and receives payment, or who contracts for economic consideration in any form for the purpose of lobbying, or a person who is principally employed for, or whose substantial duties pertain to governmental affairs communications for another person or governmental entity to lobby on behalf of that other person or governmental entity and engages in the activity of lobbying as defined in this article.
- iv. **Leon**
 1. **§ 2-700(b):** means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
 2. **§ 2-702:** The following persons are not lobbyists as defined in section 2-700(b), and shall not be required to register as lobbyists or to keep records as lobbyists: (1) Leon County employees discussing government business; (2) Law enforcement personnel conducting an investigation;

(3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement; (4) Consultants under contract with Leon County who communicate with commissioners or county employees regarding issues related to the scope of services in their contract; (5) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying; (6) Persons who make purely factual informational requests to a member of the board of county commissioners, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and (7) Persons or representatives of organizations contacted by a member of the board of county commissioners, member of a decision-making board, or employee when the contact is initiated by that board member, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

- v. **Miami-Dade § 2-11.1(s)(1)(b)**: Means 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 County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County 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 County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

- vi. **Orange § 2-351(h)**: means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal, or an employee of a principal only when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.

- vii. **Palm Beach § 2-352**: shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include: (1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed. (2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing. (3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing. (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation. (5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities. Inc. lobbying on behalf of that entity.

III. **REGISTRATION**

a. **Broward**

- i. **§ 1-262(a)**: Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall: (1) File with the County Administrator, in form prescribed by the County Administrator, an annual registration statement under oath containing the following information: (a.) The lobbyist's full name, residence address, business name, business address, and nature of business. (b.) The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to

the registration statement in form prescribed by the County Administrator, containing all the information required in the annual registration statement. (c.) The general and specific subject matters which the lobbyist seeks to influence. (d.) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Broward County. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation. (e.) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of the action providing such authorization shall be attached to the registration statements.

- ii. **§ 1-262(b):** A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
- iii. **§ 1-262(c):** Registration statements are effective from July 1 of a given year through June 30 of the following year. Registration fees paid under (a)(2) above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement
- iv. **§ 1-262(d)(1):** On or before July 15 of each year, each lobbyist shall submit to the County Administrator's Office, in form prescribed by the County Administrator, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from July 1 of the prior year through June 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.
- v. **§ 1- 262(f):** Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d)(1) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

b. Hillsborough

- i. **07-8 § 2:** All lobbyist shall register, at the time of the lobbying, on a registry of lobbyist maintained and available in the reception areas of the county commission, County Administrator, County Attorney and County Departments. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of

his legislative interest, and the nature and extent of any direct business association or partnership with any affected personnel.

- ii. **07-8 § 2:** In the event that the meeting occurs outside the County Offices, the lobbyist shall provide the above required information by U.S. or electronic mail to the Clerk of the Board of County Commissioners within Seven (7) calendar days of the meeting.
- iii. **07-8 § 2:** The following person shall not be required to register as lobbyist under § 2(a): **(a)** Government employees discussing government business. Government business shall not include discussions regarding a competitive procurement when an employee's agency is a participant in a competitive procurement process. **(b)** Law enforcement personnel conducting an investigation; and **(c)** Persons who communicate with affected personnel in their individual capacity for the purpose of self representation or on behalf of their immediate family without compensation or reimbursement. **(d)** Persons or representatives of organizations contacted by affected personnel when the contact is initiated by that Board member or employee.

c. Lee

- i. **§ 22-73:** All paid lobbyists as defined herein, shall register with the clerk of the board of county commissioners on an annual basis. Every unregistered, paid lobbyist shall register prior to the first occasion such unregistered, paid lobbyist engages in the activity of lobbying as defined in this article. Every person, firm or other entity required to register as a paid lobbyist shall register on forms prepared by the clerk's office. The paid lobbyist shall state under oath their name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest and the nature and extent of any direct business association or partnership with any current member of the board, a county employee, or person sitting on a decision-making body that is created by Florida Law, and under the jurisdiction of the board of county commissioners. Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this article.
- ii. **§ 22-74:** The following persons are not lobbyists as defined in subsection 22-71(b)(c), and shall not be required to register as paid lobbyists or keep records as paid lobbyists: **(1)** Lee County employees discussing government business; **(2)** Law enforcement personnel conducting an investigation; **(3)** Persons when they communicate with board members or employees in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement; **(4)** Persons when they appear at public meetings or hearings and communicate on the record; **(5)** Consultants under contract with Lee County who communicate with commissioners or employees regarding issues related to the scope of services in their contract; **(6)** Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive

procurement, or are a government employee principally employed for, or whose substantial duties pertain to governmental affairs lobbying; (7) Persons who make purely informational requests to a board member, advisory board member or employee with no intent to affect a decision or recommendation on any item; and (8) Persons or representatives of organizations contacted by a board member, advisory board member or employee when the contact is initiated by that board member, advisory board member or employee in their official capacity in the normal course of their duties to obtain factual information.

d. Leon

- i. **§ 2-701:** All lobbyists, as defined herein, shall register with the clerk of the board of county commissioners on an annual basis prior to engaging in any lobbying. Registration shall be updated to add or withdraw principals before a lobbyist commences lobbying on behalf of any new principle.
- ii. **§ 2-701:** Each lobbyist shall be required to register on forms prepared by the clerk of the board. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the board of county commissioners, county employee, or person sitting on a decision-making body.
- iii. **§ 2-701:** Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

e. Miami-Dade

- i. **§ 2-11.1(s)(2):** All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall: (a) Register on forms prepared by the Clerk; (b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby.
- ii. **§ 2-11.1(s)(2)(b):** If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust.
- iii. **§ 2-11.1(s)(2)(b):** Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- iv. **§ 2-11.1(s)(2)(b):** Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1).

- v. **§ 2-11.1(s)(2)(c):** Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.
- vi. **§ 2-2.1:** By no later than October 1, 2010, all County departments shall: **(1)** Require businesses to provide the North American Industry Classification System (NAICS) code whenever information is collected for contracts, procurement, permits, licenses, taxes, enforcement actions and all other purposes for which information is collected by County departments from businesses; and **(2)** Use NAICS codes for any business classification system that County departments use except where prohibited by federal or state law. In cases where the use of NAICS codes is prohibited by federal or state law, County departments shall maintain NAICS code information for individual businesses in a format in which individual businesses can be sorted by NAICS codes.
- vii. **§ 2-11.1(s)(3)(a):** Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- viii. **§ 2-11.1(s)(3)(b):** Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.
- ix. **§ 2-11.1(s)(5):** Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted.
- x. **§ 2-11.1(s)(5):** No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

f. **Orange**

- i. **§ 2-352(a):** All lobbyists shall register and reregister with the county at the times specified in this article and on the forms prescribed from time to time by the county mayor.
- ii. **§ 2-352(c):** The forms prescribed from time to time by the county mayor for the registration and re-registration of lobbyists shall require, at a minimum, the following information: **(1)** The lobbyist's name and business address; **(2)** The name and business address of each principal represented; **(3)** The specific areas of the principal's governmental interest; **(4)** Where the principal is a corporation, limited liability corporation, or association the name of the chief executive officer of the corporation or association; **(5)** Where the principal is a general partnership or joint venture, the names of all partners; **(6)** Where the principal is a limited partnership, the name of the general partner or partners; **(7)** Where the principal is a trust, the names of all trustees and beneficiaries; **(8)** Where the principal is a partnership, joint venture, corporation, association, trust or nongovernmental entity other than a natural person, the names of all natural persons holding, directly or indirectly, a five (5) percent or more ownership interest in the entity; and **(9)** Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with the county mayor or any other member of the board, any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county division director, or any county department manager.
- iii. **§ 2-352(d):** All lobbyists shall register and reregister prior to January 1 of each year, and registration forms shall be filed with the county department or office designated by the county mayor. If and when a lobbyist commences representation subsequent to January 1 of any year of any principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited. Each lobbyist who ceases lobbying for a particular principal shall file a written notice at the time of withdrawal.
- iv. **§ 2-352(e):** Principals, or their respective employees, who do not qualify as a lobbyist under the definition set forth in this chapter, shall be exempt from the annual registration requirement.
- v. **§ 2-353:** All visitors and lobbyists, with the exception of county staff, shall sign the visitor logs, maintained and available in the office reception areas of the county mayor and the board, prior to meeting with the county mayor, a county commissioner, county administrator, or any of their respective staff. The visitor or lobbyist shall state his or her name; the name of each principal, if applicable, represented in the course of the particular contact; and the topic of the contact. In the event that a lobbyist or principal engages in lobbying which is initiated outside of county offices, the lobbyist or principal shall provide the information required above to the county department or office designated by the county mayor within seven (7) calendar days of such lobbying contact.

g. Palm Beach

- i. **§ 2-353(a):** Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "central lobbyist registration site." The registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.
- ii. **§ 2-353(b):** The registration form shall be prepared by county administration and shall require the following information: **(1)** The name, phone number and address of the lobbyist; **(2)** The name, phone number and address of the principal represented; **(3)** The date the lobbyist was initially retained by the principal; **(4)** The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive officer that is not a member of a local municipal governing body, advisory board member, or employee; **(5)** The area of legislative interest; **(6)** A statement confirming that the registrant is authorized to represent the principal; **(7)** Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and **(8)** The county or municipalities to be lobbied.
- iii. **§ 2-353(c):** Registration shall not be required for the following: **(1)** Persons under contract with the county or municipalities as applicable who communicate with county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of a local municipal governing body, advisory board members or employees regarding issues related only to the performance of their services under their contract; **(2)** Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the division of administrative hearings, in which the county or municipality as applicable is a party, who communicates with county or municipal attorneys on issues related only to the subject matter of the judicial proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the county or municipal attorneys are present for those communications.
- iv. **§ 2-353(f):** All registrations on file and in effect with the county before the effective date of this ordinance shall remain in full force and effect.

- v. **§ 2-354(a):** Except when appearing before the board, local municipal governing body, or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the county or municipality as applicable for a period of five (5) fiscal years.
- vi. **§ 2-354(b):** In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing the commissioner's office, the member of a local municipal governing board's office, the mayor or chief executive officer's office, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contract.

IV. **REGISTERING AFTER BEING CONVICTED OF A FELONY**

- a. N/A in any of the Florida Counties examined herein.

V. **REGISTRATION FEE**

- a. **Broward § 1-262(a)(2):** Pay to the County Administrator's Office an annual Fifty Dollar (\$50) registration fee for each employer, identified on an annual or amended registration statement, on whose behalf he or she intends to lobby, whether he or she was retained directly by the employer or by another Lobbyist retained by the employer. The registration fees required by this section shall be expended by the County Administrator's Office solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section.
- b. **Hillsborough:** N/A
- c. **Lee:** N/A
- Leon § 2-701:** Payment of a twenty-five dollar (\$25.00) fee for each principal so represented.
- d. **Miami-Dade § 2-11.1(s)(2)(b):** The fee for annual registration shall be four hundred and ninety dollars (\$490.00).
- e. **Orange § 2-352(b):** All lobbyists shall, at the time of initial registration and each annual registration, pay a registration fee of ten dollars (\$10.00). No lobbyist shall be required in any year to pay more than ten dollars (\$10.00) to register, regardless of the number of principals represented.

- f. **Palm Beach § 2-353(a)**: Each lobbyist is required to submit a separate registration for each principal represented. A registration fee of twenty-five dollars (\$25.00) must be included with each registration form submitted.

VI. **EXEMPTIONS TO REGISTRATION FEE**

- a. **Broward § 1-262(a)(2)**: A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.
- b. **Hillsborough**: N/A
- c. **Lee**: N/A
Leon: N/A
- d. **Miami-Dade**
 - i. **§ 2-11.1(s)(2)(b)**: There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.
 - ii. **§ 2-11.1(s)(4)**: Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.
 - iii. **§ 2-11.1(s)(5)**: For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees.
- e. **Orange**: N/A
- f. **Palm Beach**: N/A

VII. **THE LOBBY REGISTRATION TRUST FUND**

- a. **Broward**: N/A
- b. **Hillsborough**: N/A
- c. **Lee**: N/A

- d. **Leon:** N/A
- e. **Miami-Dade § 2-11.1(s)(2)(b):** The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists.
- f. **Orange:** N/A
Palm Beach: N/A

VIII. **REPORTING EXPENDITURES**

- a. **Broward:** N/A
Hillsborough: N/A
- b. **Lee § 22-76:** Each quarter, all paid lobbyists shall submit to the clerk's office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the board of county commissioners, a county employee or any other person on a decision-making body under the jurisdiction of the board of county commissioners. The statement shall be rendered on forms as provided by the clerk's office.
- c. **Leon:** N/A
- d. **Miami-Dade § 2-11.1(s)(6)(a):** Commencing July 1, 1986, and on July 1 of each year thereafter, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. 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.
- e. **Orange:**
 - i. **§ 2-354(a):** On or before April 1 of each year, all registered lobbyists shall submit, to the appropriate county department, a lobbyist annual expenditure report for each principal represented during the previous year, signed under oath, listing all expenditures incurred by the lobbyist for that specific principal during the preceding calendar year for the purpose of lobbying. Such report shall be prepared and shall disclose such information as is prescribed in F.S. § 112.3215 for executive branch lobbyists, except that the lobbyist annual expenditure report

shall be submitted only annually and shall pertain only to expenditures incurred by the lobbyist, not the principal.

- ii. **§ 2-354(b):** Effective as to project applications and items submitted to or filed with the county after January 1, 2009, the principal or the principal's authorized agent (when accompanied by an agent authorization form on file with the county) shall submit to the appropriate county department one specific project expenditure report for all lobbying expenditures incurred by the principal and his or her authorized agent and his or her lobbyist, contractors, and consultants, if applicable, for any project or issue to be presented to the board unless the project or item is exempt. One cumulative specific project expenditure report for all lobbying expenditures incurred for a specific project or issue to be presented to the board, shall be prepared and signed by the principal or the principal's authorized agent, shall disclose such information as is prescribed in F.S. § 112.3215, and shall be submitted with all other required documentation associated with the specific project or issue. **(b.)** Nothing included in section 2-354 of this Code is intended to require the disclosure of professional fees paid by the principal to its lobbyist for the purpose of lobbying. **(c.)** The following items shall be exempt from the requirement for a specific project expenditure report: **(1.)** Ministerial items; **(2.)** Resolutions; **(3.)** Agreements in settlement of litigation matters in which the county is a party; and **(4.)** Ordinances initiated by county staff. **(d.)** Effective January 1, 2009, one (1) specific project expenditure report shall be submitted to or filed with the county by a bidder, offerer, quoter or respondent or his/her agent (when accompanied by an agent authorization form on file with the county) for all lobbying expenditures incurred by the bidder, offerer, quoter or respondent and his/her agent and his or her lobbyist, contractors, and consultants, if applicable, only for the following procurement matters: **(1.)** Competitive sealed proposal, as described at section 17-311, Orange County Code; or **(2.)** When filing a response to a request for a procurement of professional services, as governed by F.S. § 287.055 and described at subsection 17-312(f), Orange County Code, including but not limited to professional architectural, engineering, landscape architectural or land surveying services. Where required, one (1) cumulative specific project expenditure report for all lobbying expenditures incurred for the specific procurement item to be presented to the board, shall: **(i)** Be prepared and signed by the bidder, offerer, quoter or respondent or his/her agent; **(ii)** Disclose such information as is prescribed in F.S. § 112.3215; and **(iii)** Be submitted to the county by the bidder, offerer, quoter or respondent or his/her agent. **(e.)** The specific project expenditure report may be subsequently amended if necessary, shall remain cumulative, and shall be filed by the principal or the principal's authorized agent no less than seven (7) business days prior to the scheduled board meeting date with the department where the original application is filed. Any subsequent amendment shall be a continuing requirement of the principal or the principal's authorized agent. **(f.)** For those items scheduled for a public hearing, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or

subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the principal or the principal's authorized agent, during the scheduled board meeting on the project or issue, shall verbally inform the board that additional expenditures were incurred subsequent to the filing of the initial report and amendment thereto. For those items scheduled on the consent agenda, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the item shall be removed from the consent agenda for the upcoming BCC meeting.

- iii. **§ 2-354(b)(2):** The specific project expenditure report format shall be adopted separately by administrative regulation.

f. Palm Beach

- i. **§ 2-353(d):** Commencing November 1, 2011, and by November 1 of each year thereafter, all lobbyists shall submit to the central lobbyist registration site a signed statement under oath listing all expenditures made by the lobbyist in lobbying county or municipal officials and employees in excess of twenty-five dollars (\$25.00) for the preceding fiscal year commencing on October 1 and ending on September 30. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.

IX. COMPENSATION REPORTS

a. Broward: N/A

b. Hillsborough: N/A

c. Lee: N/A

- d. Leon § 2-704:** Each lobbying firm shall file a compensation report, signed under oath, with the clerk of the board of county commissioners for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period"). **(1)** Each lobbying firm shall file a quarterly compensation report with the clerk of the board for each calendar quarter during any portion of which the lobbyist or one or more of the firm's lobbyists were registered to represent a principal. The report shall include the: **(a.)** Full name, business address, and telephone number of the lobbying firm; **(b.)** Name of each of the firm's lobbyists; and

(c.) Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0.00; \$1.00 to \$49,999.00; \$50,000.00 to \$99,999.00; \$100,000.00 to \$249,999.00; \$250,000.00 to \$499,999.00; \$500,000.00 to \$999,999.00; \$1 million or more. (2) For each principal represented by one or more of the firm's lobbyists, the quarterly compensation report shall also include the: (a.) Full name, business address, and telephone number of the principal; and (b.) Total compensation provided or owed to the lobbying firm for the reporting period from such principal, reported in one of the following categories: \$0.00; \$1.00 to \$9,999.00; \$10,000.00 to \$19,999.00; \$20,000.00 to \$29,999.00; \$30,000.00 to \$39,999.00; \$40,000.00 to \$49,999.00; or \$50,000.00 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.00. (3) The quarterly compensation reports shall be filed no later than 30 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The quarterly compensation reports shall be filed in the form provided by the clerk of the board of county commissioners.

- e. **Miami-Dade:** N/A
- f. **Orange:** N/A
- g. **Palm Beach:** N/A

X. **ELECTRONIC FILING OF COMPENSATION REPORTS AND OTHER INFORMATION**

- a. N/A in any Florida County examined herein.

XI. **DUTIES OF THE ETHICS COMMISSION, CLERK OR ADMINISTRATOR**

- a. N/A in any Florida County examined herein.

XII. **LOBBYING AGENCY'S RESPONSIBILITIES**

- a. **Broward:** N/A
- b. **Hillsborough:** N/A
- c. **Lee:** N/A
- d. **Leon:** N/A
- e. **Miami-Dade**
 - i. **§ 2-11.1(s)(10):** All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.
 - ii. **§ 2-11.1(s)(11):** Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County

personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

- f. **Orange:** N/A
- g. **Palm Beach § 2-353(e):** A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, advisory board members, or employees.

XIII. **PRESERVATION OF RECORDS**

a. **Broward**

- i. **§ 1-262(e):** The County Administrator's Office shall keep a current list of registered lobbyists and their respective statements required under this article, all of which shall be open for public inspection.
- ii. **§ 1-263:** No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

b. **Hillsborough**

- i. **07-8 § 2:** Registries will be transmitted to the Clerk of the Board of County Commissioners on a periodic basis for storage and public inspection.
- ii. **07-8 § 5:** The Clerk of the Board of County Commissioners shall maintain the registrations received in a manner open for public inspection.

c. **Lee**

- i. **§ 22-72:** County commissioners and employees as specified in subsection 22-71(e), who make regulatory decisions or recommendations to the board of county commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County commissioners nor county employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed. County commissioners shall deliver their logs to the clerk of court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in subsection 22-71(e) must deliver their logs to the clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto. Individuals who serve as members of advisory boards or advisory committees to the county, who are either

volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section. All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

- ii. **§ 22-78:** The clerk of the board of county commissioners shall accept and maintain the paid lobbyist registrations, quarterly paid lobbying statements and lobbying logs, which shall be open for public inspection.

- d. **Leon § 2-705:** The clerk of the board of county commissioners shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.

- e. **Miami-Dade § 2-11.1(s)(8):** The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

- f. **Orange § 2-353:** The visitor logs shall be transmitted to the county attorney's office, on a periodic basis, and available for storage and public inspection in the county department or office designated by the county mayor.

- g. **Palm Beach:** N/A

XIV. **INVESTIGATING COMPLAINTS**

- a. **Broward § 1-265(a):** The County Attorney or County Administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of this act, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the Board.

- b. **Hillsborough:** N/A

- c. **Lee:** N/A
Leon: N/A

- d. **Miami-Dade § 2-11.1(s)(9):** The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s).

- e. **Orange § 2-356(a):** The county attorney or county administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration and expenditure reporting requirements of this article and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the board.

f. Palm Beach

- i. **§ 2-356(a):** If the county administrator or municipal administrator as applicable is informed of any person who has failed to comply with the requirements of this article, he or she shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the county administrator or municipal administrator as applicable determines that a violation may have occurred based on the results of the investigation, the county administrator or municipal administrator as applicable shall forward the matter to the county commission on ethics for further investigation and enforcement proceeding as set forth in article XIII of this chapter, the countywide code of ethics. For the purposes of further investigation and enforcement by the commission on ethics, a complaint submitted under this subsection by the county administrator or municipal administrator shall be deemed legally sufficient.
- ii. **§ 2-356(b):** The commission on ethics may process any other legally sufficient complaints of violations under this article pursuant to the procedures established in article XIII of this chapter.
- iii. **§ 2-353(d)(1):** The county administrator of the central lobbyist registration site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure.

XV. **ADVISORY OPINION**

- a. N/A in any Florida County examined herein.

XVI. **PENALTIES AND FINES**

a. Broward

- i. **§ 1-262(d)(2):** The County Administrator shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following: **(a.)** Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be Fifty Dollars (\$50) per day for each late day. **(b.)** Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due. **(c.)** Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless timely appeal is made to the Board. **(d.)** A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement. **(e.)** Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the Board, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the

lobbyist must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.

- ii. **§ 1-265(b):** The Board shall warn, reprimand, as suspend, or prohibit the violator from appearing on behalf of any person before the Board or any decision-making body under the jurisdiction of the Board or from otherwise lobbying for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of this act, except as provided in 1-264.
- iii. **§ 1-265(c):** The intentional failure or refusal of any lobbyist to comply with any order of the Board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the County may pursue, including injunctive relief. (c) The validity of any action taken by the Board, County employees, or any decision-making body under the jurisdiction of the Board, shall not be affected by the failure of any person to comply with the provisions of this article.
- iv. **§ 1-265(d):** In addition to all other penalties in this section, an employer who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262. If, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer, the County may, on that basis, exercise any contractual right to terminate the contract for convenience.

b. Hillsborough

- i. **07-8 § 6:** A first violation of the provisions of this ordinance shall result in the issuance of a warning by the County Attorney's Office. Each subsequent violation by a lobbyist shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

c. Lee § 22-80: The penalties for an intentional violation of this article are those as specified in F.S. § 125.69(1) as it may be amended or re-numbered from time to time.

d. Leon § 2-708: The penalties for an intentional violation of this article shall be those specified in F.S. § 125.69(1), as amended, and shall be deemed supplemental to the penalties set forth in section 1-9 of this Code.

e. Miami-Dade

- i. **§ 2-11.1.2(b):** The failure of any county lobbyist to comply with the provisions of subsection (a) of this section shall result in either or both of the following: **(1)** That lobbyist contract with the county being voidable by the county; **(2)** A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist entering a into a lobbying contract with the county.
- ii. **§ 2-11.1(s)(6)(b):** The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any

other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars (\$50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z).

- iii. **§ 2-11.1(s)(6)(b):** Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.
- iv. **§ 2-11.1(s)(6)(b)(c):** The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.
- v. **§ 2-11.1(s)(6)(d):** A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.
- vi. **§ 2-11.1(s)(6)(d):** The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown.
- vii. **§ 2-11.1(s)(6)(d):** The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.
- viii. **§ 2-11.1(s)(9):** In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule: 1st violation for a period of 90 days from the date of determination of violation; 2nd violation for a period of one (1) year from the date of determination of violation; 3rd violation for a period of five (5) years from the date of determination of violation;
- ix. **§ 2-11.1(s)(9):** A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

f. Orange:

- i. **§ 2-356(b):** The board may warn, reprimand or censure the violator or may suspend or prohibit the violator from appearing on behalf of any principal before the board or any county advisory body or from otherwise lobbying for any principal in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties

provided in this subsection shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this article. The failure or refusal of any lobbyist to comply with any order of the board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the county may pursue, including injunctive relief.

- ii. **§ 2-356(c)(1):** The board of county commissioners may void a contract entered into in connection with a procurement matter where the county mayor or his or her respective staff, one or more county commissioners or their respective staff, or a member of the pertinent procurement committee has been lobbied in violation of the black-out-period restrictions of section 2-355. **(2)** The board of county commissioners may reject a bid or proposal or may void a contract entered into in connection with a procurement matter where the county mayor, one or more county commissioners, or a candidate for mayor or county commission has received a campaign contribution in violation of the restrictions provided at section 2-355.1.
- iii. **§ 2-356(d):** Except as set forth in the voidable-contract provisions of subsection (c), the validity of any action taken by the board or any county officers or employees or advisory bodies shall not be affected by the failure of any person to comply with the provisions of this article.

g. Palm Beach

- i. **§ 2-357:** Violations of this article shall be punishable as follows: **(1)** Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars (\$2,500.00). **(2)** Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation. **(3)** Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation. **(4)** Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation. **(5)** Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years. **(6)** The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.
- ii. **§ 2-353(d)(1):** In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from

lobbying unless the notice of violation has been appealed to the commission on ethics.

XVII. **CONTINGENCY FEES; PROHIBITIONS; PENALTIES**

a. **Broward**

- i. **§ 1-264(a):** “Contingency fee” means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the Board. (b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to Subsection 1-262(d). (c) In addition to the penalties provided in Section 1-265, any knowing or intentional violation of this section shall be punishable as provided by law.

b. **Hillsborough:** N/A

c. **Lee:** N/A

d. **Leon:** N/A

e. **Miami-Dade**

- i. **§ 2-11.1(s)(7):** No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, “contingency fee” means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

f. **Orange:** N/A

g. **Palm Beach:** N/A

XVIII. **STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST; REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS**

- a. N/A in any Florida County examined herein.

XIX. **USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY**

- a. N/A in any Florida County examined herein.

XX. **MISCELLANEOUS SECTIONS OF CODE**

a. **Broward:** N/A

Hillsborough 07-8 § 4: No lobbyist shall make, directly or indirectly, and no member of the Board of County Commissioners shall knowingly accept, directly or indirectly, any gift. The prohibition of gifts applies only to lobbyists. A gift is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor. The term “gift” shall have the same meaning as it is defined in Section 112.312(12), Florida Statutes.

b. **Lee § 22-79:** No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in subsection 22-71(e), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

c. **Leon**

i. **§ 2-706:** No member of the board of county commissioners or employee of Leon County shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the board of county commissioners or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.

ii. **§ 2-707:** Any form of communication, except for written correspondence, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between: **(1)** Any person or person's representative seeking an award from such competitive solicitation; and **(2)** Any county commissioner or commissioner's staff, or any county employee authorized to act on behalf of the commission to award a particular contract. **(b)** For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person. **(c)** The prohibited communication shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. Each request for proposal, request for qualification, bid, or any other competitive solicitation shall provide notice of the provisions of this section. **(d)** The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence with any employee, county commissioner, or decision-making board member or selection committee member, unless specifically prohibited by the applicable

competitive solicitation process. (e) The provisions of this section shall not apply to any purchases made in an amount less than the competitive bid threshold of \$20,000.00, as set forth in Leon County Purchasing Policy No. 96-1, as amended. (f) The provisions of this section shall terminate at the time the board, or a county department authorized to act on behalf of the board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

d. Miami-Dade

- i. **§ 2-11.1(s)(2)(d):** Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars (\$100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.

e. **Orange County:** N/A

f. **Palm County:** N/A

Florida Cities With A POP. > 100K

| Florida Cities | Population* | Lobbying Code (Y/N) |
|------------------------------------|--------------------|----------------------------|
| Jacksonville | 821,784 | Yes |
| Miami | 399,457 | Yes |
| Tampa | 335,709 | Yes |
| St. Petersburg | 244,769 | No |
| Orlando | 238,300 | Yes |
| Hialeah | 224,669 | Yes |
| Tallahassee | 181,376 | Yes |
| Fort Lauderdale | 165,521 | Yes |
| Port St. Lucie | 164,603 | No |
| Pembroke Pines | 154,750 | Yes |
| Cape Coral | 154,305 | No |
| Hollywood | 140,768 | Yes |
| Gainesville | 124,354 | Yes |
| Miramar | 122,041 | Yes |
| Coral Springs | 121,096 | Yes |
| Clearwater | 107,685 | Yes |
| Miami Gardens (Carol City-Norland) | 107,167 | Yes |
| Brandon | 103,483 | No |
| Palm Bay | 103,190 | No |
| *U.S. Census Statistics 2010 | | |

Breakdown of Florida Cities That Have Lobbying Codes

I. **INTENT & PURPOSE**

- a. **Coral Springs § 2-330:** The City Commission of the City of Coral Springs, 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 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.
- b. **Fort Lauderdale § 2-260:** 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, be publicly and regularly disclosed.
- c. **Gainesville § 29-1:** The city commission of the City of Gainesville, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal 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 city commissioners or board members of the community redevelopment agency (CRA), on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.
- d. **Hollywood:** N/A
- e. **Miami § 2-651:** Notwithstanding any provision in the Code of the city, as amended, to the contrary, the following shall be applicable in the city.
- f. **Miami Gardens:** N/A
- g. **Miramar:** N/A

- h. **Pembroke Pines § 30.70(a)**: Sections 30.70 through 30.76 of Title III, Pembroke Pines Code of Ordinances may be cited as the “Pembroke Pines Lobbyist Registration Act.” (b) The Broward County code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The City Commission determines that the registration of lobbyist promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence City Commissioners and decision-making bodies under the jurisdiction of the City Commission.
- i. **Tallahassee**: N/A
- j. **Tampa**: N/A

II. **DEFINITIONS**

a. ***DEFINED:***

- i. **Coral Springs § 2-331**: Legislation, Lobbying/Lobbying Activities, Lobbyist, & Person.
- ii. **Fort Lauderdale § 1-261**: Legislation, Lobbying, Lobbyist, & Person.
- iii. **Gainesville § 29-2**: Agency, Employer, Lobbying, Lobbyist, Person.
- iv. **Hollywood § 30.15(A)**: Contingency Fee, Lobbying, Lobbyist, Political Subdivision, Principal.
- v. **Miami § 2-653**: Compensation, Contingency Fee, Expenditure, Government Employee, Lobbyist, Principal.
- vi. **Miami Gardens § 2-554**: Advisory Personnel, City Council, Community Based Organization, Department personnel, Homeowner/neighborhood, Lobbyist, Quasi-Judicial Personnel.
- vii. **Miramar § 2-310**: Agency, Covered Individual, Elected Official, Lobbying/Lobbying Activity, Lobbyist, Person.
- viii. **Pembroke Pines § 30.71**: Board, Lobbying/Lobbying activities, Person, Lobbyist.
- ix. **Tallahassee § 2-338**: Lobbying, Lobbyist, Lobbying Firm, Principal, Employee, Decision Making Body.
- x. **Tampa**: N/A

b. LOBBIES/LOBBYING:

- i. **Coral Springs § 2-331:** A communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications: (a) Made on the record at a duly-noticed public meeting or hearing; or (b) From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.
- ii. **Fort Lauderdale (Broward County) § 1-261:** means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications: (1) Made on the record at a duly-noticed public meeting or hearing; or (2) From an attorney to an attorney representing Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County.
- iii. **Gainesville § 29-2:** means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or board member of the CRA, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission or the CRA.
- iv. **Hollywood § 30(A):** 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 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.
- v. **Miami:** N/A
Miami Gardens: N/A
- vi. **Miramar § 2-310:** means a communication, by any means, from a lobbyist to a Covered Individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the Covered Individual to support or oppose the item. "Lobbying"

does not include communications: (1) Made on the record at a duly-noticed public meeting or hearing; or (2) From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.

- vii. **Pembroke Pines § 30.71(b)**: means a communication, by any means, from a lobbyist to a member of a Board regarding any item that will foreseeably be decided by the Board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly noticed public meeting or hearing.
- viii. **Tallahassee § 2-338(a)**: shall mean communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the city commission, or any member or members of any decision-making body under the jurisdiction of the city commission, or any city employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the city commission, or any decision-making body under the jurisdiction of the city commission, or which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body.
- ix. **Tampa**: N/A

c. LOBBYING FIRM:

- i. **Coral Springs**: N/A
- ii. **Fort Lauderdale**: N/A
- iii. **Gainesville**: N/A
- iv. **Hollywood**: N/A
- v. **Miami**: N/A
- vi. **Miami Gardens**: N/A
- vii. **Miramar**: N/A
- viii. **Pembroke Pines**: N/A
- ix. **Tallahassee § 2-338(c)**: means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.
- x. **Tampa**: N/A

d. LOBBYIST:

- i. **Coral Springs § 2-331:** A person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is: **(a)** An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity. **(b)** An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby. **(c)** Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or **(d)** Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

- ii. **Fort Lauderdale (Broward County) § 1-261:** means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is: **(1)** An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity; **(2)** An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby; **(3)** An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or **(4)** An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

- iii. **Gainesville**
 1. **§ 29-2:** means any person who is employed and receives payment, or who contracts for present or future economic consideration of any kind, for the purpose of lobbying.
 2. **§ 29-4:** The following persons are not required to register as a lobbyist pursuant to this chapter: **(1)** Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties; **(2)** An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, CRA or commission; **(3)** Those persons

who, in their individual capacity and without compensation of any kind, merely communicate with the city commission or board members of the CRA for the purpose of self representation; (4) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

- iv. **Hollywood § 30.15(A)**: All persons, firms, corporations (and their staff members) employed, retained or otherwise compensated by a principal or client who, acting on behalf of the principal or client, seeks to encourage the passage, defeat, or modification of any ordinance, resolution, contract, bid award, action or decision of the City Commission; or any resolution, action decision or recommendation of any city board, agency or committee; or any action decision or recommendation of the City Manager or city staff during the time period of the entire decision-making process on such action, decision, or recommendation which foreseeable will be reviewed by the City Commission or a city board, agency or committee. Lobbyist does not mean a city employee or public officer acting in his or her official capacity. Lobbyist does not mean any person who merely appears before the City Commission, City Board, or Committee, or the City Manager in an individual capacity for the purpose of self representation of other without compensation or reimbursement to express support of or in opposition to any ordinance, resolution decision of any city board, agency or committee or any action, decision or recommendation of the City Manager. Lobbyist does not mean a 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.
- v. **Miami § 2-653**: Lobbyist means all paid persons, firms, corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any ordinance, resolution, action or decision of the city commission; or any resolution, action, decision or recommendation of any city board or committee; or any action, decision, or recommendation of the city manager during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be reviewed by the city commission, or a city board or committee. Lobbyist also means any member of the staff of the "lobbyist" (as defined hereinabove) who receives for himself or herself any compensation, remuneration or expenses for conducting lobbying activities. Lobbyist does not mean an attorney who is a member of the Florida Bar representing a client in enforcement proceedings before the code enforcement board, or before the nuisance abatement board, or disciplinary or grievance proceedings before the civil service board. Lobbyist does not mean a city employee when acting in his official capacity, or a city consultant when acting in such capacity. Lobbyist does not mean a government employee acting in his/her official capacity. Lobbyist does not mean a foreign dignitary appearing

in his/her official capacity. Lobbyist does not mean a person who owns, publishes or is employed by a newspaper, periodical, radio station, television station or other bona fide news media. Lobbyist does not mean a person who merely appears before the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation to express support for or opposition to any ordinance, resolution, decision or action of the city commission; or any resolution, action, recommendation or decision of any city board or committee; or any action, decision or recommendation of the mayor, city manager or city staff. Lobbyist does not mean a person appearing solely to provide factual information requested by the mayor, a member of the city commission or a city board.

- vi. **Miami Gardens § 2-544(1)**: means all persons employed or retained, whether paid or not, by a principal who seeks to encourage: **(a.)** The passage, defeat or modification of any ordinance, resolution, action or decision of any city council member; **(b.)** Any action, decision, recommendation of the city manager or any city board or committee; or **(c.)** Any action, decision or recommendation of any city personnel; defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city council, or a city board or committee. **(2)** The term "lobbyist" specifically excludes the principal as well as any employee of the principal engaged in lobbying activities. The term shall also exclude the following persons: **(a.)** Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; **(b.)** Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his/her official capacity shall not be required to register as a lobbyist; **(c.)** Any person who only appears in his/her individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including, but not limited to, those who are members of homeowner or neighborhood associations.
- vii. **Miramar § 2-310**: means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is: **(1)** An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official

capacity. (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby. (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

viii. **Pembroke Pines § 30.71(d)**: means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist: does not include a person who is: (1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity. (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby. (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

ix. **Tallahassee**

1. **§ 2-388(b)**: means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
2. **§ 2-340**: The following persons are not lobbyists as herein defined and shall not be required to register as lobbyists or to keep records as lobbyists: (1) City employees discussing government business; (2) Law enforcement personnel conducting an investigation; (3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement; (4) Consultants under contract with the city who communicate with city commissioners or city employees regarding issues related to the scope of services in their contract; (5) Any government officials or employees who are acting in

their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying; (6) Persons who make purely factual informational requests to a member of the city commission, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and (7) Persons or representatives of organizations contacted by a city commissioner, member of a decision-making board, or employee when the contact is initiated by that city commissioner, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

- x. **Tampa: § 2.580(c):** The following persons and activities shall be exempted from the requirement of lobbying disclosure and annual reporting: (1) Appointed officers or employees of the City of Tampa discussing matters relevant to their official duties; (2) Employees or representatives of federal, state, county, municipal or independent authority discussing the business of their government or authority; (3) An elected official or government employee acting in his official capacity or in connection with his job responsibilities; (4) Law enforcement personnel conducting an active investigation; (5) Persons or representatives of organizations contacted by city official when such contact is initiated by the city official; (6) A person who appears under compulsion or subpoena by the city council, board or staff member of a board (7) Any person in contractual privity with the city who appears only in his or her official contractual capacity to discuss issues related to their services under contract. (8) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to file a lobbying disclosure form.

III. **REGISTRATION**

a. **Coral Springs:**

- i. **§ 2-332(a):** Except as provided in section 2-334, 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 Coral Springs. For purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation; and (5) Any 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 on behalf of the person shall be provided with the information required by this subchapter.

- ii. **§ 2-332(c):** Each person who withdraws as a lobbyist for a particular person shall file with the city clerk a notice of withdrawal as a lobbyist for that person.
- iii. **§ 2-333:** 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.

b. Fort Lauderdale:

- i. **§ 2-262(a):** Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk 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.
- ii. **§ 2-262(c):** 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.
- iii. **§ 2-262(e):** A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.
- iv. **§ 2-263:** 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. ‘

c. **Gainesville**

- i. **§ 29-3(a):** Prior to engaging in lobbying, every lobbyist shall file with the clerk of the commission a registration statement containing the following information: **(1)** The lobbyist's full name, residence address, business address, and nature of business. **(2)** The full name and address of his or her employer, if any. **(3)** The general and specific subject matters which 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 Gainesville. 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 group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section,
- ii. **§ 29-3(b):** A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission or the CRA.

d. **Hollywood**

- i. **§ 30.15(B)(1):** Every lobbyist shall file with the City Clerk the following information **(a)** Prior to engaging in lobbying activities, a registration statement under oath containing the following **(1.)** The lobbyist's full name, residence address, business address, and nature of business, **(2.)** The full name and address of his or her principal(s), if any. **(3.)** The general and specific subject matter which the lobbyist seeks to influence. **(4.)** The extent of any then existing direct business association by the lobbyist with any current elected or appointed official or employee of the city. For the purpose of this section the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation. **(5.)** A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion or other documentation of action shall be attached to the statements required by this section.
- ii. **§ 30.15(B)(2):** A lobbyist shall file a registration statement for each principal on whose behalf he or she lobbies.
- iii. **§ 30.15(B)(3):** Partial year filing required. Discontinuance of lobbying activities during a year shall not relieve a lobbyist from the requirement of filing the statement required by division (B)(1)(b) of this section for that portion of the year during which the lobbyist was engaged in lobbying activities.

e. **Miami:**

- i. **§ 2-654(a):** A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city

clerk and submitted a certificate of completion, of an ethics course provided by the Miami-Dade County Commission on Ethics Public Trust or the city completed no more than one year prior to registering. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis. **(b)** Every person required to register as a lobbyist shall: **(1)** Register on forms prepared by the city clerk; **(2)** Pay an initial registration fee of \$525.00, plus an additional fee of \$105.00 for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal; and **(3)** Disclose, under oath, the following information: **(a.)** Lobbyist's name and business address; **(b.)** Name and business address of each principal represent; **(c.)** The specific issue on which he or she has been retained to lobby; and **(d.)** If the lobbyist represents a corporation, partnership or trust, the name and business address of the chief officer, partner or beneficiary of the corporation, partnership or trust and the names and addresses of all persons holding, directly or indirectly, at least five percent ownership interest in said corporation, partnership or trust. A separate registration form shall be filed by the lobbyist and an additional fee of \$105.00 shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal. Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The city clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby. Lobbyists shall register on or before April 1, 1997, and yearly thereafter, in accordance with the provisions of this section. **(c)** In addition, every registrant shall be required to state under oath the existence of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city commission, any member of a city board, the city manager or a member of the city staff before whom he lobbies, or intends to lobby.

- ii. **2-654(f):** Each person who withdraws as a lobbyist for a particular principal shall file an appropriate notice of withdrawal concerning representation for that principal. There shall be no fee required for filing a notice of withdrawal.
- iii. **2-654(g):** The validity of any action or determination of the city commission or any other city board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

f. Miami Gardens:

- i. **§ 2-555(a):** All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the city clerk, pay a one-time annual registration fee of

\$250.00, and state under oath: **(1)** His/her name; **(2)** His/her business address; **(3)** The name and business address of each person or entity which has employed the registrant to lobby; **(4)** The city council member or personnel sought to be lobbied; **(5)** The specific issue on which he/she has been employed to lobby; and **(6)** The 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. **(b)** Any change to any information originally filed, or any additional city council member or personnel who are also sought to be lobbied, shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. **(c)** If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust. **(d)** Separate registration shall be required for each principal represented on each specific issue. However, a separate fee shall not be required for each principal. Such issue shall be described with, as much detail as is practical, including, but not limited to, a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number. **(e)** Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. **(f)** All lobbyists shall be required to register prior to October 1 of each year. **(g)** Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city council member or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

- ii. **§ 2-555(i):** Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of lobbyist as set forth in section 2-554) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect, to express support of or opposition to any item, shall register with the city clerk as required by this section but, shall not be required to pay any registration fees. Copies of registration forms shall be furnished to each city council member or other personnel named on the forms.

g. Miramar:

- i. **§ 2-311:** Commencing fifteen (15) days after the effective date of this article and continuing thereafter, all lobbyists shall, before engaging in any lobbying activities, register with the city clerk.
- ii. **§ 2-312:** Every person required to register as a lobbyist shall do so on forms prepared by the city clerk and shall state under oath his or her name, business address, the name and business address of each person which has employed such registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.

h. Pembroke Pines

- i. **§ 30.72(a):** By January 2, 2012 and annually thereafter, every lobbyist shall file with the City Clerk the following information: **(1)** Prior to engaging in lobbying activities, a registration statement under oath containing the following information: **(a.)** The lobbyist's full name, residence address, business address, and nature of business. **(b.)** The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the City Clerk, containing all the information required in the annual registration statement. **(c.)** The subject matters which the lobbyist seeks to influence. **(d.)** The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Pembroke Pines. For the purposes of this Article, the term "direct business association; shall mean any mutual endeavor undertaken for profit or compensation. **(e.)** A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

- i. **Tallahassee § 2-339:** All lobbyists, as defined herein, shall register with the city treasurer-clerk on an annual basis prior to engaging in any lobbying. Lobbyists shall register by April 1, 2011, for the period April 1, 2011, to December 31, 2011. Thereafter, the annual period shall be the calendar year. Registration shall be updated to add or withdraw principals before a lobbyist commences lobbying on behalf of any new principal. Each lobbyist shall be required to register on forms prepared by the city treasurer-clerk. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of

the city commission, city employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

- j. **Tampa § 2-580(a)**: All lobbyists shall file a lobbyist disclosure form with the city ethics officer at the time of lobbying or no later than three (3) days from the date of such lobbying activity. Such lobbyist disclosure forms shall be provided by the city and shall include the lobbyist's name and business address and the name and business address of the person, firm, corporation, principal or other entity providing compensation to the lobbyist, the general and specific area of discussion concerning city business, the city official with whom such discussion was held and the nature and extent of any direct business association or partnership with any city official. Such lobbyist disclosure forms shall be maintained in the offices of the city ethics officer for storage and public inspection. This lobbyist disclosure requirement shall apply to all lobbying activity whether it takes place in city offices or outside city offices.

IV. **REGISTERING AFTER BEING CONVICTED OF A FELONY**

- a. N/A in any of the Florida cities examined herein.

V. **REGISTRATION FEE**

- a. **Coral Springs: § 2-332(e)**: 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 those records and making them available to the public.
- b. **Fort Lauderdale: § 2-262(f)**: 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.
- c. **Gainesville**: N/A
- d. **Hollywood**: N/A
- e. **Miami § 2-654(a)**: The annual registration fee for each lobbyist shall be \$525.00 as an initial registration fee, plus an additional fee of \$105.00 for each principal represented for each issue lobbied on behalf of any one principal.
- f. **Miami Gardens**:
 - i. **§ 2-555(a)**: pay a one-time annual registration fee of \$250.00.

- ii. **§ 2-555(f):** In the event registration occurs after October 1, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30 of each year.
- g. **Miramar § 2-316:** An annual lobbyist registration fee in the amount of one hundred dollars (\$100.00) for each lobbyist shall be paid to the city clerk at the time the lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this article.
- h. **Pembroke Pines § 30.72(c):** A lobbyist shall pay to the City Clerk's Office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the City Commission.
- i. **Tallahassee § 2-339:** Payment of a \$25.00 fee for each principal so represented.
- j. **Tampa:** N/A

VI. **EXEMPTIONS TO REGISTRATION FEE**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood:** N/A
- e. **Miami**
 - i. **§ 2-654(a):** The city commission may, in its discretion, waive the registration fee in demonstrated instances of financial hardship.
 - ii. **§ 2-654(h):** The following persons shall be required to register but will be exempt from paying the registration fee: **(1)** A person who, pursuant to the terms of a collective bargaining agreement, has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees; **(2)** A person(s) appearing before the commission, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers' association, a civic or homeowners' association, a public interest group, a chamber of commerce, or a merchants' association.
- f. **Miami Garden § 2-555(h):** There shall be no fee required for filing a notice of withdrawal, and the city council may in its discretion waive the registration fee upon a finding of financial hardship.
- g. **Miramar:** N/A

- h. **Pembroke Pines § 30.72(c)**: A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities
- i. **Tallahassee**: N/A
- j. **Tampa**: N/A

VII. **THE LOBBYIST REGISTRATION TRUST FUND**

- a. **Coral Springs**: N/A
- b. **Fort Lauderdale**: N/A
- c. **Gainesville**: N/A
- d. **Hollywood**: N/A
- e. **Miami § 2-654**: The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration and/or any other associated costs incurred in maintaining these records for availability to the public.
- f. **Miami Gardens § 2555(h)**: The registration fees required by subsections (a) and (f) of this section shall be deposited by the city clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public.
- g. **Miramar**: N/A
- h. **Pembroke Pines**: N/A
- i. **Tallahassee**: N/A
- j. **Tampa**: N/A

VIII. **REPORTING EXPENDITURES**

- a. **Coral Springs**: N/A
- b. **Fort Lauderdale**: N/A
- c. **Gainesville**: N/A
- d. **Hollywood**:
 - i. **§ 30.15(B)(1)(b)**: A lobbyist shall annually submit to the City Clerk’s office a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from June 1st to May 31st shall be filed no later than August 1st of each year. Lobbying expenditures shall not include personal expenses for lodging, meals and travel. Said statement shall be rendered in the form provided by the City

Clerk and shall be open to public inspection. A statement shall be filed, even if there have been no expenditures during a reporting period, until such time as a notice of withdrawal of lobbying activities has been filed by the lobbyist with the City Clerk.

- ii. **§ 30.15(B)(1)(c):** Statements required to be submitted pursuant to division (B)(1)(b) of this section shall be filed no later than 5:00 p.m. on the date the statement is due. However any statement that is post marked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.
 - iii. **§ 30.15(B)(1)(d):** In the event that the City Clerk does not receive the annual statement by the time period set forth in division (B)(1)(c) of this section, the City Clerk shall notify the lobbyist by certified United States mail. The notification shall provide that the lobbyist shall file the required statement within 30 days from the date of the notice and, if such statement is not filed within said time period, the City Clerk shall assume the lobbyist is not participating in lobbyist activities with the city and shall cancel the lobbyist registration statement on a file. Once the cancellation occurs, the lobbyist will be required to file a new registration statement in order to engage in lobbying activities with the city.
- e. **Miami § 2-655:** A lobbyist shall annually submit to the city clerk's office a signed statement under oath listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include, but not be limited to: meals, entertainment and gifts for public officers and employees for the preceding calendar year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures, entitled "Annual Expenditures Report" shall be due on January 15 of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open to public inspection. Such statement shall be filed, even if there have been no expenditures during the preceding calendar year.
- f. **Miami Gardens § 2-556(a):** On or before October 1 of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. 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.

- g. **Miramar § 2-313:** Commencing on January 1, 1993, and on January 1 of each year thereafter, all lobbyists registered pursuant to this article shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. 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 city clerk.
- h. **Pembroke Pines:** N/A
- i. **Tallahassee:** N/A
- j. **Tampa § 2-580(b):** A lobbyist shall annually on or before January 31 of each year submit to the city ethics officer's office a signed statement, executed under oath, listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization of the amount expended for each city official by each registered lobbyist.

IX. **COMPENSATION REPORTS**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood:** N/A
- e. **Miami:** N/A
- f. **Miami Gardens**
 - i. **§ 2-556(b):** Each lobbyist and principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the 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. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting such.
 - ii. **§ 2-556(c):** Attorneys licensed by the Florida Bar shall not be required to divulge client confidences relating to their compensation.
- g. **Miramar:** N/A
- h. **Pembroke Pines:** N/A
- i. **Tallahassee § 2-342:** Each lobbying firm shall file a compensation report, signed under oath, with the city treasurer-clerk for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period"). (1) Each lobbying firm shall file a quarterly compensation report with the city treasurer-clerk for each calendar quarter during any portion of which the lobbyist or one or more of the firm's lobbyists were registered to represent a principal. The report shall include the: (a.) Full name, business address, and telephone number of the lobbying firm; (b.) Name of each of the firm's lobbyists; and (c.) Total compensation provided or owed to the lobbying firm from all principals for the

reporting period, reported in one of the following categories: \$0.00; \$1.00 to \$49,999.00; \$50,000.00 to \$99,999.00; \$100,000.00 to \$249,999.00; \$250,000.00 to \$499,999.00; \$500,000.00 to \$999,999.00; \$1,000,000.00 or more. (2) For each principal represented by one or more of the firm's lobbyists, the quarterly compensation report shall also include the: (a.) Full name, business address, and telephone number of the principal; and (b.) Total compensation provided or owed to the lobbying firm for the reporting period from such principal, reported in one of the following categories: \$0.00; \$1.00 to \$9,999.00; \$10,000.00 to \$19,999.00; \$20,000.00 to \$29,999.00; \$30,000.00 to \$39,999.00; \$40,000.00 to \$49,999.00; or \$50,000.00 or more. If the category "\$50,000.00 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.00. (3) The quarterly compensation reports shall be filed no later than 30 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The quarterly compensation reports shall be filed in the form provided by the city treasurer-clerk.

j. **Tampa:** N/A

X. **ELECTRONIC FILING OF COMPENSATION REPORTS AND OTHER INFORMATION**

a. N/A in any of the Florida cities examined herein.

XI. **DUTIES OF THE ETHICS COMMISSION, CLERK OR ADMINISTRATOR**

a. **Coral Springs § 2-332(d):** The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this subchapter.

b. **Fort Lauderdale § 2-262(d):** The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.

c. **Gainesville § 29-3(c):** The clerk of the commission shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.

d. **Hollywood:** N/A

e. **Miami § 2-654(e):** The mayor, all members of the city commission, of city boards, the city manager and city staff shall be diligent to ascertain that persons required to register pursuant to this section have complied, by requesting record of compliance from the city clerk. The mayor, members of the city commission, of city boards the city manager and city staff may not knowingly permit a person who is not registered pursuant to this section to lobby.

f. **Miami Gardens:** N/A

g. **Miramar:** N/A

- h. **Pembroke Pines:** N/A
- i. **Tallahassee:** N/A
- j. **Tampa:** N/A

XII. **LOBBYING AGENCY'S RESPONSIBILITIES**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood:** N/A
- e. **Miami:** N/A

Miami Gardens

- i. **§ 2-555(j):** All members of the city council and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City council members or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the city council member or the relevant committee, board or city personnel.
- ii. **§ 2-566(d):** Any change to information originally filed shall require that the lobbyist and principal, as provided in subsection (b) of this section file, within three business days from such changed circumstances, a signed statement under oath amending the reports referenced in subsections (a) and (b) of this section; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three-day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.

- f. **Miramar:** N/A

- g. **Pembroke Pines § 30.73:** To promote full and complete transparency, lobbyist sand their principles or employers who intend to meet or otherwise communicate with a member of the Board for the purpose of engaging in lobbying activities, either at the Board member's offices or elsewhere on City premises, must legibly complete a contact log listing each member of the Board with whom the lobbyist, principle, or employer meets or intends on meeting or communicating. **(1)** the information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with who he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting. **(2)** The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

- h. **Tallahassee:** N/A

i. Tampa

- i. **§ 2-580(b):** It shall be the responsibility of the lobbyist to obtain this form from the city ethics officer's office.
- ii. **§ 2.580(e)(3):** All members of the city council, and all city employees, shall be diligent to ascertain whether persons required to file a lobbying disclosure form pursuant to this subsection have complied.

XIII. PRESERVATION OF RECORDS

- a. Coral Springs § 2-332(b):** Completed registration forms shall be public records and open to public inspection.
- b. Fort Lauderdale § 2-262(b):** Completed registration forms shall be public records and open to public inspection.
- c. Gainesville:** N/A
- d. Hollywood § 30.15(C):** Prohibitions on use of lobbying statements. No person shall sell or utilize information obtained from lobbying statement required by this section for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purpose.
- e. Miami**
 - i. **§ 2-654(d):** The city clerk shall maintain a log, which shall be updated on a quarterly basis by April 15, July 15, October 15 and January 15 of each year, reflecting the lobbyist registrations filed in accordance with this section and shall be distributed to the mayor and city commission.
 - ii. **§ 2-654(i):** All registration forms shall be open to the public upon the filing thereof.
- f. Miami Gardens § 2-555(k):** The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.
- g. Miramar § 2-315:** All registration forms and annual disclosure statements required by this article shall be public records subject to inspection and examination as provided for in F.S. section 119.07.
- h. Pembroke Pines**
 - i. **§ 30.72(b):** The City Clerk's Office shall keep a current list of registered lobbyist and their respective reports required under this article, all of which shall be open for public inspection.
 - ii. **§ 30.74:** No information obtained from lobbying statements required by this Article shall be sold or utilized by any person for the purpose of soliciting

campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purpose.

- i. **Tallahassee § 2-343:** The city treasurer-clerk shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.
- j. **Tampa: § 2-580(b):** The city ethics officer shall maintain such filings available and open for public inspection.

XIV. **INVESTIGATING COMPLAINTS**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood § 30.15(E)(1):** The City Manager or his or her designee shall be informed of any person who has failed to comply with the registration, reporting requirements other than the requirement set forth in division (B)(1)(b) of this section, and prohibitions of this act, and in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The Results of each investigation shall be reported to the City Commission.
- e. **Miami:** N/A
- f. **Miami Gardens:** N/A
- g. **Miramar:** N/A
- h. **Pembroke Pines:** N/A
- i. **Tallahassee:** N/A
- j. **Tampa § 2.580(e)(1):** The ethics commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection.

XV. **ADVISORY OPINIONS**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood:** N/A
- e. **Miami § 2-656(a):** A lobbyist, when in doubt about the applicability and interpretation of this article in a particular context, shall submit in writing the facts for an advisory opinion by the city attorney. The city attorney shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section. All advisory opinions of the city attorney shall be numbered, dated and furnished to the city clerk's office and shall be open to public inspection. (b) The city

clerk's office shall keep all advisory opinions of the city attorney relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

- f. **Miami Gardens:** N/A
- g. **Miramar:** N/A
- h. **Pembroke Pines:** N/A
- i. **Tallahassee:** N/A
- j. **Tampa:** N/A

XVI. **PENALTIES AND FINES**

- a. **Coral Springs: § 2-336:** Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years. The validity of any action taken by the commission, city employees, or any decision-making body under the jurisdiction of the commission, shall not be affected by the failure of any person to comply with the provisions of this subchapter.
- b. **Fort Lauderdale § 2-266:** Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.
- c. **Gainesville § 29-5(a):** If the clerk of the commission, or their designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation. **(b)** There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation. **(c)** If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or the CRA for a period of time not to exceed one year. The city commission may also rescind the notice of violation if it deems appropriate. **(d)** The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the city may pursue, including the issuance of a civil citation and/or injunctive relief. **(e)** The validity of any action taken by the city commission or the CRA shall not be affected by the failure of any person to comply with the provisions of this chapter.

d. Hollywood:

- i. **§ 30.15(B)(1)(e):** A lobbyist who fails to timely file a statement shall be notified and assessed fined as follows **(1.)** Upon determining that the statement is late, the City Clerk shall immediately notify the lobbyist as to the failure to timely field the statement and that a fine is being assessed for each late day. The fine shall be \$50.00 per day for each late day. **(2.)** Upon receipt of the statement, the City Clerk shall determine the amount of the fine due based upon the earliest of the following: **(A.)** When a statement is actually received; **(B.)** When the Statement is postmarked; **(C.)** When the certificate of mailing is dated; or **(D.)** When the statement from an established courier company is dated.
- ii. **§ 30.15(B)(1)(e)(3):** Such fine shall be paid within 20 days after receipt of a notice of payment due, unless an appeal is made to the City Commission. If an appeal is made to the city commission and such an appeal is denied, the fine shall be paid within 20 days of the City Commission's decision.
- iii. **§ 30.15(B)(1)(e)(4):** A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed. However, to receive the one time fine waiver, all statements for which the lobbyist is responsible must be filed within 20 days after receipt of notices that any statements have been timely filed. A fine shall be assessed for any subsequent late-filed statement.
- iv. **§ 30.15(B)(1)(e)(5):** Any Lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the City Commission, which shall have the authority to waive the fine in the whole or in part for good cause shown. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the lobbyist shall, within the 20 day period, notify the City Clerk in writing of his or her intention to bring the matter before the City Commission.
- v. **§ 30.15(B)(1)(f):** Any lobbyist who fails to file the required annual statement shall be prohibited from engaging in lobbying activities until he or she pays all fines and have become final by: **(1.)** Failure to appeal; or **(2.)** City Commission decision to uphold the fine in whole or in part.
- vi. **§ 30.15(E)(2):** The City Commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any principal before the City Commission or any decision making body under the jurisdiction of the City Commission or from otherwise lobbying for any principal in any fashion for a period of time: provided, however that any suspension or prohibition may not exceed a period of two years, and no sanctions shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and opportunity to be heard. The penalties provided in this sections shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act. The intentional failure or refusal of any lobbyist to comply with any order of the City Commission suspending or

prohibiting the lobbyist from lobbying shall be subject to such civil remedies as the city may pursue, including injunctive relief.

- vii. **§ 30.15(E)(3):** The validity of any action taken by the City Commission, city employees, or any decision-making body under the jurisdiction of the City Commission, shall not be affected by the failure for any person to comply with the provisions of this section.

e. Miami

- i. **§ 2-652:** Any person in violation of any provision of this article shall be subject to the penalty as provided in section 1-13.
- ii. **§ 1-13:** Any person violating the provisions of any section of this Code or any other ordinance, where no other penalty is prescribed, shall, upon conviction, be fined not more than \$500.00, or be imprisoned at hard labor on the streets or other works of the city for not more than 60 days, or shall be both fined and imprisoned. Each day that such violation shall continue (or, in the case of shows and exhibitions illegally conducted, each performance) shall constitute a separate offense.
- iii. **§ 2-657(a):** Any lobbyist who fails to file the annual expenditures report by the January 15 deadline each calendar year shall be subject to a fine of \$25.00. **(b)** Upon verification of a lobbyist's failure to file the annual expenditures report, the city clerk shall notify the lobbyist by certified mail that the annual expenditures report must be filed within five business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he/she shall submit a new registration form accompanied by a \$525.00 registration fee plus any and all outstanding fines accrued prior to re-registration. **(c)** The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this section.

f. Miami Gardens:

- i. **§ 2-556(e):** The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsections (a) and (b) of this section. In addition to any other penalties, which may be imposed herein, 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 December 1 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the county ethics council. **(f)** Upon the failure of a lobbyist (or principal) to file either of the reports referenced in subsections (a) and (b) of this section and/or pay the assessed fines after notification, the violator shall be subject to any penalties. **(g)** In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the city council or any committee, board or personnel of the city on the subject that resulted in a finding of a violation, and shall be subject to the penalties set forth

in this chapter. Additionally, every lobbyist who is found to be in violation of this article shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule: **(1)** First violation: for a period of one year from the date of determination of violation; **(2)** Second violation: for a period of two years from the date of determination of violation; **(3)** Third violation: for a period of three years from the date of determination of violation. Penalties shall include admonition, public reprimand, and fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city. **(h)** A lobbyist (or principal) may appeal a fine and/or penalty and may request a hearing before the city's special master. A request for a hearing on the fine must be filed with the city clerk's office within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. If the city demonstrates by competent substantial evidence that a violation occurred, the special master shall confirm the fine and/or penalty. However, if the city does not demonstrate by competent substantial evidence that a violation occurred, the special master shall waive the penalty and/or fine. **(i)** A bidder or proposer shall be subject to debarment if the bidder or proposer were a contractor where the bidder or proposer has violated this section either directly or indirectly or any combination thereof, on three or more occasions. As used herein, the term "direct violation" means a violation committed by the bidder or proposer, and the term "indirect violation" means a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, requests for proposal (RFP), requests for qualification (RFQ), or RFLI, provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se. **(j)** Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city council or city personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this article.

- g. Miramar § 2-314(a):** Whenever a violation of this article exists, the city commission may publicly reprimand, censure, and/or prohibit such lobbyist from lobbying before the agency for a period of up to but not to exceed two (2) years. **(b)** The penalties provided herein are cumulative in nature. Nothing contained in this article shall prevent the agency from pursuing any other remedies available to the agency under the agency's code and/or state law for the enforcement of its ordinances.

- h. Pembroke Pines § 30.76(a):** The city Attorney or City Manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instances, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the City Commission. **(b)** The City Commission may warn, reprimand, or censure the violator or

may suspend or prohibit the violator from appearing on behalf of any employer before the City Commission or any decision-making body under the jurisdiction of the City Commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. (c) The validity of any action taken by the City Commission, city employees, or any decision-making body under the jurisdiction of the City Commission, shall not be affected by the failure of any person to comply with provisions of the Article. (d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the Broward County Office of the Inspector General as provided for by Article XII of the Broward County Charter.

i. Tallahassee

- i. **§ 2-345:** The penalties for an intentional violation of this article shall be those specified in section 1-7 of this Code.
- ii. **§ 1-7(a):** In this section the term "violation of this Code" means any of the following: (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance. (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance. (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance. (b) In this section the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section. (c) Except as otherwise provided by ordinance, any person cited for a violation of this Code shall be deemed to be charged with a civil infraction and may be required to appear in county court. Any person cited for an infraction under this chapter must sign and accept a citation indicating a promise to: (1) Pay the applicable civil penalty within ten days of issue; or (2) Appear in county court within ten days of issue to receive a trial date, time and location determined by county court. No person to whom a citation has been issued which requires a mandatory court appearance may pay the civil penalty in lieu of appearing in county court. (3) Any person who willfully refuses to accept and sign the citation shall be in violation of this article and, upon conviction, be punished by a fine of not more than \$500.00, imprisonment for a term not exceeding 60 days, or any combination thereof. (4) If the person cited pays the applicable civil penalty in lieu of appearing in county court, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction. (d) Except as otherwise provided by law or ordinance: (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation

continues is a separate offense. **(2)** With respect to other violations, each act constitutes a separate offense. **(e)** The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions. **(f)** Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

- iii. **§ 2-341:** The validity of any decision, action, or determination made by the city commission, decision-making board or employee shall not be affected by the failure of any person to comply with the provisions of this article.

j. Tampa

- i. **§ 2-580(b):** The city ethics officer shall notify any lobbyist who fails to timely file an expenditure report on or before February 28 of any year. In addition to any other penalties which may be imposed, a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. The city ethics officer shall notify the ethics commission of the failure of a lobbyist to file a report and/or pay the assessed fines after notification. A lobbyist may appeal a fine and may request a hearing before the ethics commission. A request for a hearing on the fine must be filed with the ethics commission within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. In addition to any other penalty provided for herein, a lobbyist shall not be permitted to engage in any lobbying activity until the required report is filed. Where a fine of fifty dollars (\$50.00) per day has already been assessed, the ethics commission shall not impose another fine.
- ii. **§ 2.580(d):** Violation of any provision of this section may be punishable as provided in section 1-6, City of Tampa Code.
- iii. **§ 1-6(a):** It is unlawful for any person to violate or fail to comply with any provision of this Code and, where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a term not exceeding sixty (60) days and/or a term of probation not to exceed six (6) months, as set forth in section 1-6.1 or by both such fine and imprisonment. Each day any violation of any provision of this Code shall continue shall constitute a separate offense. **(b)** Whoever commits a violation of the City Code, or aids, abets, counsels, hires, or otherwise procures such violation to be committed, and such violation is committed or is attempted to be committed, is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such violation. **(c)** The penalty prescribed in subsection (a) of this section shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation of any permit or license. **(d)** This section shall not apply to the failure of officers and employees of the city to perform municipal duties required by this Code.
- iv. **§ 2.580(e)(1):** In the event that a violation is found to have been committed the ethics commission may, in addition to any other penalties, prohibit such person

from lobbying before the city or any committee, board or personnel of the city as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule: 1st violation for a period of ninety (90) days from the date of determination of violation; 2nd violation for a period of one (1) year from the date of determination of violation; 3rd violation for a period of five (5) years from the date of determination of violation; (2) A bidder or proposer shall be subject to the debarment where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.

- v. **§ 2.580(e)(4):** The validity of any action or determination of the city council or city employees, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection.

XVII. **CONTINGENCY FEES; PROHIBITIONS; PENALTIES**

- a. **Coral Springs:** N/A
- b. **Fort Lauderdale:** N/A
- c. **Gainesville:** N/A
- d. **Hollywood:** N/A
- e. **Miami §2-658:** No person shall retain or employ a lobbyist for compensation based on a contingency fee, and no person shall accept any such employment or render any service for compensation based on a contingency fee.
- f. **Miami Gardens § 2-558:** No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, the term "contingency fee" means a fee, bonus, council, or nonmonetary benefit as compensation, which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) An ordinance, resolution, action or decision of the city council; (2) Any action, decision or recommendation of the city manager or any city board or committee; or (3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city council, or a city board or committee.
- g. **Miramar:** N/A
- h. **Pembroke Pines § 30.75(a):** Contingency fee means a fee, bonus, commission, or nonmonetary benefits as compensation which is dependent or in any way contingent on the enactment, defeat, modification or other outcome of any specific action of the City Commission. (b) A lobbyist shall separately disclose to the City Clerk any compensation

received in the form of contingency.

i. **Tallahassee:** N/A

j. **Tampa:** N/A

XVIII. **STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST: REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS**

a. N/A in any of the Florida cities examined herein.

XIX. **USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY**

a. N/A in any of the Florida cities examined herein.

XX. **MISCELLANEOUS SECTIONS OF CODE**

a. **Coral Springs § 2-335:** Prior to voting on any city commission decision, members of the city commission shall disclose any ex parte communication with any lobbyist.

b. **Fort Lauderdale § 2-264:** A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities for a period 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 or employees of the city after the effective date of this section.

c. **Gainesville:** N/A

d. **Hollywood:**

i. **§ 30.15(D):** Prohibition of lobbying of City Commission by elected officials of the state and elected officials of political subdivisions. **(1)** No elected official of the state and no elected official of any political subdivision shall engage in any act or acts of lobbying; provided, however, that, for purpose of this division, “lobbying” shall include communications with the City Commission or members of the City Commission only, “lobbying” shall not include communications on behalf of an organization described in Section 501(c)(3) of the Internal Revenue Code, and “lobbying” shall only include communications regarding invitations for bids, requests for proposal, request for qualifications, requests for letters of interest and other competitive solicitations. **(2)** The provisions of this division shall not apply to any contract for lobbying services in existence on the effective date of this division.

e. **Miami:** N/A

- f. **Miami Gardens § 2-557:** Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.
- g. **Miramar:** N/A
- h. **Pembroke Pines:** N/A
- i. **Tallahassee § 2-344:** No member of the city commission or employee of the city shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the city commission or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.
- j. **Tampa:**
 - i. **§ 2-581(a):** No elected officer shall personally represent another person or entity for compensation before the city on any matter for a period of two (2) years following vacation of office. **(b)** No appointed employee shall personally represent another person or entity for compensation before the city on any matter (except collective bargaining) for a period of two (2) years following termination of employment. **(c)** No city employee (other than appointed employees subject to (b) above) shall personally represent another person or entity for compensation before the city for a period of two (2) years following termination of employment in connection with: **(1)** Any particular matter involving a specific party or parties in which the city is a party or has a direct and substantial interest; and **(2)** Any matter in which he participated personally and substantially as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while employed by the city, except for purposes of collective bargaining.
 - ii. **§ 2-582:** [City Charter sec. 10.06] No former elected official shall hold any compensated appointed city office or employment until one (1) year after the expiration of the term for which he was elected.

U.S. Cities

| City Name | Population* | Lobbying Code (Y/N) |
|-----------------------|----------------|-----------------------|
| Atlanta, GA | 432,427 | No (State Law) |
| Austin, TX | 820,611 | No (State Law) |
| Baltimore, MD | 619,493 | Yes |
| Chicago, IL | 2,707,120 | Yes |
| Columbus, OH | 797,434 | Yes |
| Charlotte, NC | 751,087 | No (State Law) |
| Dallas, TX | 1,223,229 | Yes |
| Detroit, MI | 706,585 | Yes (Up for Vote) |
| Fort Worth, TX | 758,738 | No |
| Indianapolis, IN | 827,609 | Yes |
| Jacksonville, FL | 827,908 | Yes |
| Los Angeles, CA | 3,819,702 | Yes |
| New York, NY | 8,244,910 | Yes |
| San Francisco, CA | 812,826 | Yes |
| San Jose, CA | 967,487 | Yes |

*U.S. Census Statistics 2010

Breakdown of U.S. Cities Lobbying Codes

I. **INTENT & PURPOSE**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD § 7-1-102(a):** The County Council, in recognition that representative government is dependent in part on the people maintaining the highest trust in their public officials, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials will be maintained. **(b)** It is evident that public confidence and trust is eroded when the conduct of county business is subject to improper influence or when there is the appearance of improper influence. **(c)** For the purpose of guarding against improper influence, the County Council enacts this title to: **(1)** Require public officials to disclose their financial affairs; and **(2)** Set minimum standards for the conduct of county business by public officials. **(d)** It is the intention of the County Council that this title, except for its provisions regarding criminal sanctions, be liberally construed to accomplish the purpose of guarding against improper influence.
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH § 2321.54:** This legislation enacts new Section 2321.54 of Columbus City Codes to provide a comprehensive plan for the registration of legislative agents and those that they are hired to represent, helping to make City government operations as open and accountable as possible. This legislation requires all individuals who are paid lobbyists to register with the City of Columbus if those individuals intend to lobby administrative staff or elected officials as part of their regular duties. Further, the legislation requires that those lobbyists update their registration information as they are retained or when they are no longer representing such interests, and that the City Clerk ensure all records of registration are available for public viewing and use.
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX:** N/A
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder.*

- m. San Francisco, CA § 2.100(a):** The Board of Supervisors finds that public disclosure of the identity and extent of efforts of lobbyists to influence decision-making regarding local legislative and administrative matters is essential to protect public confidence in the responsiveness and representative nature of government officials and institutions. It is the purpose and intent of the Board of Supervisors to impose reasonable registration and disclosure requirements to reveal information about lobbyists' efforts to influence decision-making regarding local legislative and administrative matters. **(b)** Corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions. The City and County of San Francisco has a compelling interest in preventing corruption or the appearance of corruption which could result in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and former clients will protect public confidence in the electoral and governmental processes. It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests.
- n. San Jose, CA § 12.12.010(A):** This Chapter will be known as the San Jose Municipal Lobbying Ordinance. **(B.)** The purposes of this Chapter are: **(1.)** To guarantee to the residents of the City that the City of San Jose continues the highest ethical work environment for the residents of the City and the City's elected officials and employees. **(2.)** In the spirit of open and transparent government, to allow the public to know and better understand the relationship between its elected officials, lobbyists, and lobbyist's clients. **(3.)** To enhance public confidence and trust with respect to lobbyist activities and City practices. **(4.)** To ensure that the requirements of this Chapter and their implementation are responsive to the goal of making it easy to do business with the City. **(5.)** To bring about clarity and certainty about applicable provisions among stakeholders. **(6.)** To establish a policy that sets clear standards of conduct. **(7.)** To maintain the citizen's constitutional right to petition government for redress of grievances and not to limit the public's access to their elected officials. **(C.)** Any person who engages in lobbying activity must comply with the provisions of this Chapter.

II. **DEFINITIONS**

a. ***DEFINED:***

- i. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- ii. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- iii. **Baltimore, MD:** Compensation, Lobbying, Lobbyist.

- iv. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- v. **Columbus, OH § 2321.54(A):** Activity Advocate, Client, Compensation, Engage, Legislation, Legislative Agent, Person, File, Publish.
- vi. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- vii. **Dallas, TX:** City Official, Client, Compensation, Designated Public Subsidy Matter, Designated Zoning Case, Expenditure, Gift, Immediate Family, Lobbyist, Lobby/Lobbying, Lobbying Firm, Municipal Question, Person, Registrant.
- viii. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- ix. **Fort Worth, TX:** N/A at time of printing.
- x. **Indianapolis, IN § 909-101:** Advisory Body, Agency, Agency Action, Appointee, Communication, Employer, Employee, Engage/Engagement, Financial Arrangement, Lobbying Activity, Lobbyist, Official, Person, Real Party In Interest.
- xi. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- xiii. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*
- xiii. **San Francisco, CA § 2.105:** Activity Expenses, Candidate, Client, Contact, Economic Consideration, Gift, Lobbyist, Lobbyist Services, Local Legislative or Administrative Action, Measure, Officer of the City and County, Person, Public Hearing.
- xiv. **San Jose, CA § 12.12.100:** At the Behest, City Official, City Official-Elect, Client, Contact/Contacting, Compensated/Compensation, Lobbying Activity, Lobbyist, Lobbyist Fundraising Activity, Person.

b. LOBBIES/LOBBYING

- i. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- ii. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- iii. **Baltimore, MD § 7-1-501(c)(1):** means communicating with a public official of the legislative or executive branch of county government, in the presence of that public official, for the purpose of influencing legislative or executive action.

(2) “Lobbying” includes engaging in activities with the express purpose of soliciting others to communicate with a public official of the legislative or executive branch of the county government for the purpose of influencing legislative or executive action.

- iv. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- v. **Columbus, OH:** N/A
- vi. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- vii. **Dallas, TX § 12A-15.2(10)(A):** means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question. **(B)** Lobbying does not include a communication: **(i)** merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a city official; **(ii)** made by a public official or employee (including, but not limited to, an official or employee of the city of Dallas) acting in his or her official capacity; **(iii)** made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public; **(iv)** made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication; **(v)** made at a meeting open to the public under the Texas Open Meetings Act; **(vi)** made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding; **(vii)** made in writing as a petition for official action and required to be a public record pursuant to established city procedures; **(viii)** made in an oral or written response narrowly tailored to address an oral or written request by a city official for specific information; **(ix)** the content of which is compelled by law; **(x)** made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications; **(xi)** made on behalf of an individual with regard to that individual's employment or benefits; **(xii)** made by a fact witness or expert witness at an official proceeding; or **(xiii)** made by a person solely on behalf of that individual, his or her spouse or domestic partner, or his or her minor children.
- viii. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- ix. **Fort Worth, TX:** N/A at time of printing.

- x. **Indianapolis, IN § 909-101:** means action or communication made to promote, delay, oppose, or otherwise influence an agency action. The term does not include any of the following: (1) The application or negotiation of an award for any state or federal grant; (2) The resolution of any outstanding tax matter, including audits, assessments, administrative appeals, claims for refund, or collection activity; (3) Communication regarding the award of incentives related to an economic development project; (4) Paid advertising communications that are disseminated to the public by radio, television, or a newspaper or periodical of general circulation; (5) Any communications, including testimony submitted during public hearing or submitted in writing, at a meeting conducted pursuant to IC 5-14-1.5; (6) A response to a request for proposal, a bid, a request for quote, or other solicitation made by an agency in conformance with applicable public works or procurement statutes or rules promulgated thereunder; (7) Other public or private testimony or communications solicited by an agency; or (8) Action or communication made as a member of an advisory body.

- xi. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*

- xii. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*

- xiii. **San Francisco, CA § 2.105(h):** means services rendered for the purpose of influencing or attempting to influence local legislative or administrative action, including but not limited to contacts with officers of the City and County of San Francisco.

- xiv. **San Jose, CA § 12.12.170:** means influencing or attempting to influence a City Official or City Official-Elect with regard to a legislative or administrative action of the City or Redevelopment Agency. (A.) "Influencing" means contacting, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions of the City Official or City Official-Elect, by any means, including, but not limited to providing, preparing, processing, or submitting information, incentives, statistics, studies or analyses. (B.) "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Redevelopment Agency of the City, or City board or commission, or task force or any joint powers authority of which the City is a party. (C.) "Administrative action" means the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment or approval of any rule, regulation, agreement, contract, permit, license or hiring action.

c. LOBBYING FIRM:

- i. **Dallas, TX § 12A-25.2(11):** means: (A) a self-employed lobbyist; (B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; or (C) a person who has one or more employees that are lobbyists on the person's behalf and the person is the client.

d. LOBBYIST:

- i. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- ii. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- iii. **Baltimore, MD § 7-1-501(d)(1):** means a person who engages in lobbying and who, within a reporting period: (i) For the purpose of influencing legislative action: (1.) Communicates with a public official of the legislative or executive branch and: (2.)(A.) Incurs \$100 or more of expenses, cumulatively, not including personal travel and subsistence expenses; or (B.) Receives \$500 or more as compensation; (ii) For the purpose of influencing executive action: (1.) Communicates with public officials of the executive branch; and (2.) Expend a cumulative value of \$100 or more on meals, beverages, special events, or gifts for public officials of the executive branch; or (iii) For the purpose of influencing the comprehensive rezoning process, (1.) Engages in lobbying; and (2.) Expend money, irrespective of the amount, on a public official for meals, beverages, special events, or gifts. (2) "Lobbyist" does not include an individual who strictly: (i) Provides professional services in drafting bills or in advising and rendering opinions to clients regarding the construction and effect of proposed or pending County Council actions; (ii) Appears before the County Council at the specific invitation or request of the Council, provided the individual does not engage in any other activity in connection with the passage or defeat of County Council actions; (iii) Appears at public hearings of the County Council or a county agency, board, or commission, if the individual does not: (1.) Engage in other lobbying activities in connection with the passage or defeat of County Council actions or the approval or disapproval of actions of the county agency, board, or commission; and (2.) Expend money on food, entertainment, or other gifts for a public official in connection with the appearance; (iv) Makes appearances as part of the official duties of a duly elected or appointed official or employee of the state or a political subdivision of the state, or of the United States, provided the appearance is not on behalf of another entity; (v) Is a publisher or member of the press, radio, or television working in the ordinary course of the business of disseminating news or making editorial comment to the general public, provided the individual does not engage in other lobbying that would directly and specifically benefit the economic, business, or professional interests of the individual or the individual's employer; (vi) Appears before the County Council at the specific invitation or request of a registered lobbyist, provided no other lobbying act is undertaken, and provided the witness identifies to the Council that the individual is testifying at the request of the lobbyist; (vii) Makes appearances as part of the official duties of an officer, director, member,

or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of another entity; or (viii) Represents a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization.

iv. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*

v. **Columbus, OH**

1. **§ 2321.54(A)(6):** Legislative agent means any individual, except an elected official or a member of the staff of any elected official, who is engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes. Legislative agent shall not include:
(a) Any business owner or president, CEO, executive director, board member, or any individual holding a substantially similar position advocating on behalf of that individual's business, partnership, association or corporation, or on whose board he or she serves, and only on behalf of that business, partnership, association or corporation, and who is not engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes; (b) Any federal, state, or local government employee, or state institution of higher learning employee, as defined by section 3345.011 of the Ohio Revised Code, or public school district employee who is engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes unless that employee is engaged by a labor organization, as defined by section 3517.01(B)(18) of the Ohio Revised Code, and is engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes; (c) Any officer of a labor organization, as described by section 3517.01(B)(18) of the Ohio Revised Code, elected by the general membership of that labor organization; (d) Any private citizen advocating on behalf of himself or herself or a community and who is not engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes; or (e) Any private citizen advocating on behalf of himself or herself and who is engaged during at least a portion of his or her time to actively advocate as one of his or her main purposes.
2. **§ 2321.54(D)(1):** The requirements and prohibitions of this section do not apply to efforts to actively advocate by any of the following: (a) Appearances before meetings of the committees of city council or the full council, and appearances before public hearings of the committees of the council; (b) News, editorial, and advertising statements published in bona fide newspapers, journals, or magazines, or broadcast over radio or television; (c) The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described hereinabove; (d) Publications primarily designed for and

distributed to members of bona fide associations or charitable or fraternal nonprofit corporations. (2) The requirements and prohibitions of this section do not apply to the rendering of professional services in drafting ordinances or resolutions, preparing arguments thereon, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, provided the services are not otherwise connected with actions to actively advocate.

vi. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.

vii. **Dallas, TX:**

1. **§ 12A-15.2(9):** means a person who engages in lobbying, whether directly or through the acts of another. If an agent or employee engages in lobbying for a principal or employer, both the agent and the principal, or the employee and the employer, are lobbyists.
2. **§ 12A-15.4:** The following persons are not required to register or file an activity report under this article: (1) A person who owns, publishes, or is employed by a newspaper, any other regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions or seek to influence official action relating to municipal questions, provided that the person does not engage in other activities that require registration under this article. This exception does not apply if a person's relation to the news media is only incidental to a lobbying effort or if a position taken or advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest. (2) A person whose only lobbying activity is to encourage or solicit the members, employees, or owners (including shareholders) of an entity by whom the person is compensated to communicate directly with one or more city officials to influence municipal questions. (3) A governmental entity and its officials and employees, provided the communications relate solely to subjects of governmental interest concerning the governmental entity and the city. (4) A person who neither knows nor has reason to know that a municipal question is pending at the time of contact with a city official. This exception does not apply if the existence of a municipal question is discovered during on-going contacts with a city official and the person then engages in additional lobbying of the same official or other city officials with respect to that municipal question. (5) An attorney or other person whose contact with a city official is made solely as part of resolving a dispute with the city, provided that the contact is solely with city officials who do not vote on or have final authority over any municipal question involved. (6) An agent or employee of a lobbying firm or other registrant, provided that

the lobbying firm or other registrant files a registration statement or activity report for the period in question fully disclosing all relevant information known to the agent or employee. (7) An individual who engages in lobbying, but who does not receive compensation or reimbursement for lobbying with respect to any client. (8) A neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole.

- viii. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- ix. **Fort Worth, TX:** N/A at time of printing.
- x. **Indianapolis, IN § 909-101:** means any individual who is primarily employed and receives payment, or who contracts for financial consideration, exceeding one thousand dollars (\$1,000) in any calendar year, for the purpose of engaging in lobbying activity. The term does not include any of the following: (1) An official, appointee, or employee who attempts to influence an agency action that is within the scope of the individual's official duties or employment; (2) An attorney or any other individual who represents a client in: (a.) A public hearing; or (b.) The investigation of a criminal or civil matter or ordinance violation; (3) A person who represents a religious organization for the purpose of protecting the organization's constitutional rights; (4) Any newspaper or other periodical of general circulation, book publisher, news wire service, or radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical or radio or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisement that directly or indirectly urge agency action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no additional activities in connection with agency action; (5) A person whose communication with an agency is for the sole purpose of gathering information relating to a bid, procurement, permit, or public work that is produced in a public record; (6) An individual acting on his or her own behalf; or under Article 1, Section 31 of the Constitution of the State of Indiana who assembles together with other individuals for the common good or petitions an agency for redress of grievances; (7) An individual employed as a salesperson to sell goods and services; or (8) An individual who is invited by an agency or an official for the purpose of giving advice.
- xi. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- xii. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*

xiii. **San Francisco, CA § 2.105(g)**: means any individual who: (1) receives or is promised economic consideration of \$3,000 or more within three consecutive calendar months for lobbyist services; and (2) on behalf of the persons providing the economic consideration, makes any contact with an officer of the City and County.

xiv. **San Jose, CA**

1. **§ 12.12.180**: unless exempt under Section 12.12.020 means: (A.) Contract Lobbyist: Any person, whether an entity or individual, that engages in lobbying activity on behalf of one or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars (\$1,000) or more for any services which include engaging in lobbying during any consecutive three (3) month period. (B.) In-House Lobbyist: Any person, including a business, corporation, association, political action committee, or any other organization if its owners, officers, or employees have engaged in lobbying activity on its behalf and whose aggregate time engaging in lobbying activity total ten (10) hours or more in a consecutive twelve (12) month period. (C.) Expenditure Lobbyist: A person who makes payments or incurs expenditures in the aggregate amount of five thousand dollars (\$5,000) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City Official in order to attempt to influence a legislative or administrative action. The five thousand dollars (\$5,000) threshold does not include: (1.) Compensation paid to Contract Lobbyists or In-House Lobbyists for lobbying activity; or (2.) Dues, donations, or other economic consideration paid to an organization, regardless of whether the dues, donations or other economic consideration are used in whole or in part for lobbying activity.
2. **§ 12.12.020**: The following persons are exempt from the requirements of this Chapter unless otherwise specified: (A.) A public official acting in his or her official capacity. (B.) A person engaged solely in publication or broadcasting of news items, editorials, or commentary which directly or indirectly urges governmental action. (C.) A person hired by the City or Agency for work performed on behalf of the City or Agency, or a person who prepares documents for approval by the City under the California Environmental Quality Act of 1970, as amended and Title 21 of the San Jose Municipal Code, or a person who has been specifically invited by the City Councilor Redevelopment Agency Board or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City or the Redevelopment Agency charged by law with the duty of conducting a

hearing or making a decision, for the purpose of giving testimony in aid of the body or person extending the invitation or invited to attend a meeting such as a City or Agency task force or department committee meeting to provide information or assistance requested by City or Agency staff. **(D.)** The owner of a business whose attempts to influence governmental action are on behalf of the business and: **(1.)** The owner or business has not made or solicited contributions for the elected official contacted, or a candidate or independent expenditure committee at the behest of the elected official contacted, in an amount over one thousand dollars (\$1,000) within the last twelve (12) months in a City election; **(2.)** The owner or business has not retained a person to engage in lobbying activity on behalf of the owner or business; or **(3)** Officers or employees of the business have not engaged in lobbying activity on behalf of the owner or business. For the purpose of this Section, an "owner" is any individual with greater than a fifty percent (50%) interest in the business. This exemption applies only to the threshold for becoming an In-House Lobbyist as defined under Section 12.12.180.8. An owner of a business who meets this exemption is subject to the requirements of this Chapter if he or she meets the definition of Contract Lobbyist or Expenditure Lobbyist as defined under Sections 12.12.180.A and 12.12.180.C, respectively. **(E.)** A person whose attempts to influence governmental action are limited to: **(1.)** Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; and/or **(2.)** Preparing, processing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public. **(F.)** Any person whose sole activity includes one or more of the following: **(1.)** to submit a bid on a competitively bid contract; **(2.)** to submit a written response to a request for proposals or qualifications; **(3.)** to participate in an oral interview for a request for proposals or qualifications; or **(4.)** to negotiate the terms of an agreement with the City or Agency Official authorized to negotiate such an agreement. **(G.)** A person who meets with City Officials solely to lodge "whistleblower" complaints relating to improper governmental activity such as gross mismanagement, waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. **(H.)** A person who meets with the City Attorney or City Clerk regarding any claim or litigation matter, negotiation of any agreements where the City is a party or the requirements or interpretation of this Chapter. **(I.)** Uncompensated members or uncompensated members of the board of directors of non-profit organizations. **(J.)** Members of neighborhood associations, Neighborhood Advisory Committees or Project Area Committees. **(K.)** Persons whose communications are solely related to: **(1.)** The establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or

a memorandum of agreement between the City and a recognized employee organization. (2.) Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of agreement between the City and a recognized employee organization. (3.) Proceedings before the City of San Jose Civil Service Commission. (L.) A person whose communications with City Officials are solely in connection with the administration of an existing contract or agreement between the person and the City or Redevelopment Agency. (M.) Compensated officers or employees of a nonprofit organization with tax exempt status under Section 501(c)(3) of the Internal Revenue Code whose attempts to influence governmental action are on behalf of the organization.

III. **REGISTRATION**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD**
 - i. **§ 7-1-502(a)(1):** Except as provided in subsection (b) of this section, a lobbyist shall file a lobbying registration with the Commission: (i) On or before the beginning of the year in which the lobbyist expects to engage in lobbying; or (ii) Within 5 days after engaging in lobbying activities. (2) A lobbyist who engages in lobbying on behalf of more than one person shall file a separate lobbying registration for each person. (b)(1) A person who engages in lobbying, including making public appearances, for the purpose of influencing the comprehensive rezoning process is not required to file a lobbying registration provided the person: (i) Does not expend money on a public official for meals, beverages, special events, or gifts; and (ii) Registers with the secretary to the County Council not later than 5 days after the last lobbying activity. (2) The registration filed with the secretary to the County Council shall: (i) Include the following information: (1.) The person's full and legal name and address and the full and legal name and address of any person on whose behalf the person is acting; and (2.) The property involved and the map issue number if available; (ii) Be made a permanent part of the County Council record; and (iii) Be available for public inspection.
 - ii. **§ 7-1-503(a):** The lobbying registration shall be on a form developed by the Commission and shall contain the date submitted. (b) The lobbying registration form shall require the following information: (1) The lobbyist's full and legal name and permanent address; (2) If the lobbyist is not an individual, the full and legal name of an authorized officer or agent of the entity; (3) The full and legal name, address, and nature of business of any person on whose behalf the lobbyist acts; (4) The written authorization of: (i) A person on whose behalf the lobbyist acts; or (ii) If the person is a corporation, an authorized officer or agent of the corporation who is not the lobbyist; (5) A statement of whether the person on

whose behalf the lobbyist acts is exempt from registration under § 7-1-508 of this subtitle; (6) Identification of matters on which the lobbyist expects to act; (7) Identification of the period of time within 1 year that the lobbyist is authorized to engage in lobbying on behalf of another person unless terminated; (8) The full legal signature of the lobbyist or if the lobbyist is not an individual, the authorized officer or agent that is listed on the registration as required under item (2) of this subsection; and (9) When appropriate, the signature of the person or the person's authorized officer or agent on whose behalf the lobbyist acts.

- iii. **§ 7-1-504(a):** A lobbyist may terminate the lobbying registration by providing the Commission with: (1) Written notice of termination; and (2) Reports required under § 7-1-506 of this subtitle that may be outstanding. (b) A termination is effective 30 days after the Commission receives a properly filed notice.

d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*

e. **Columbus, OH**

- i. **§ 2321.54(B)(1):** Each legislative agent, within ten (10) days following an engagement of that legislative agent, shall file with the City Clerk a completed initial registration statement, the form of which shall be prescribed by the City Clerk, showing all of the following: (i.) The name, business address, and occupation of the legislative agent; (ii.) The name, business address, and industry information of the client on whose behalf the legislative agent is actively advocating, unless otherwise prohibited by law or by the *Rules for the Government of the Bar of Ohio*, in which case the legislative agent or client shall indicate that disclosure of the information requested is prohibited by law or by the Rules for the Government of the Bar of Ohio. For the purposes of this section, where a trade association or other charitable or fraternal organization that is exempt from federal income taxation under subsection 501(c) of the federal Internal Revenue Code is the client, the statement need not list the names and addresses of each member of the association or organization, so long as the association or organization itself is listed; and, (iii.) A brief indication of the type of legislation and/or issues to which the engagement relates. (2) In addition to the initial registration statement(s) required by this division, each legislative agent shall file with the City Clerk, not later than the last day of January and July of each year, an updated registration statement, the form of which shall be prescribed by the City Clerk, that confirms the continuing existence of each engagement described in the initial registration statement(s) and that lists the specific ordinances or resolutions on which the agent actively advocated under the engagement(s) during the period covered by the updated statement. (3) If a legislative agent is engaged by more than one client, the agent shall file an initial registration statement listing all clients, and updated registration statements, as required by this section, for each client engagement. (4) Each legislative agent must file separately, regardless of collaboration and/or employment with other legislative agents or clients.
- ii. **§ 2321.54(B)(6):** Upon registration pursuant to this division, the legislative agent shall be provided a copy of the registration, either electronically or in printed form, for the legislative agent and/or client's records.

f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.

g. Dallas, TX

- i. **§ 12A-15.3(a):** Except as provided by Section 12A-15.4, a person must register with the city secretary if the person: **(1)** receives compensation of \$200 or more in a calendar quarter for lobbying; **(2)** receives reimbursement of \$200 or more in a calendar quarter for lobbying; or **(3)** lobbies as the agent or employee of a person who: **(A)** receives compensation of \$200 or more in a calendar quarter for lobbying; **(B)** receives reimbursement of \$200 or more in a calendar quarter for lobbying. **(b)** A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has more than one employee who is required to register under Subsection (a). A lobbying firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article.
- ii. **§ 12A-15.5(a):** A person required to register as a lobbyist under this article shall file a separate registration for each client. A registrant who makes more than one lobbying contact for the same client shall file a single registration form covering all lobbying contacts for that client. If the registrant is not an individual, an authorized officer or agent of the registrant must file the form. An initial registration form relating to a client must be filed by a person required to register under this article within five days after the start of lobbying activity for that client, except that initial registration of a client in a zoning case must be filed within five days after the zoning application is filed with the city. In no event shall a registrant knowingly fail to register, or knowingly fail to disclose such registration to relevant city officials, prior to official city action relating to the subject matter of the lobbying activity. **(b)** Subsequent registration forms must be filed annually by January 15 for each client for whom a registrant previously filed or was required to file an initial registration form in the prior registration year, if lobbying activities are still being conducted or will foreseeably be conducted for the client during the new registration year. **(c)** An initial or subsequent registration must be filed on the form and in the manner prescribed by the city secretary and must include, to the extent applicable, the following information: **(1)** The full name, telephone number, permanent address, and nature of the business of: **(A)** the registrant; **(B)** the client; **(C)** any person, other than the client, on whose behalf the registrant has been engaged by the client to lobby; **(D)** any person, other than the client, who is known by the registrant to contribute financially to the compensation of the registrant, or who, in whole or in major part, plans, supervises, or controls the registrant's lobbying activities on behalf of the client; **(E)** any lobbying firm for which the registrant is an agent or employee with respect to the client; and **(F)** each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client. **(2)** A statement of all municipal questions on which the

registrant: **(A)** has lobbied for the client in the calendar quarter in which the registration is filed and in the three months preceding the filing of the registration, including the name of each city official contacted by the registrant on behalf of the client with regard to each municipal question and the type of contact made with the city official (in person, telephone call, letter, or electronic mail); or **(B)** will foreseeably lobby for the client in the calendar quarter in which the registration is filed and in the three months following the filing of the registration. **(3)** If the municipal question relates to a zoning case, the name of each city official contacted and the type of contact made (in person, telephone call, letter, or electronic mail) by the registrant on behalf of the client from the time the registrant began lobbying activities relating to the zoning case until the time the registrant filed a registration for the client in compliance with this section. **(4)** Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis. **(5)** A list of any positions held by the registrant as a city official or city employee, as those terms are defined in Section 12A-2, during the 24 months preceding the filing of the registration. **(6)** A statement that, by filing the registration, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article. **(7)** If the registrant is a former city official or employee, a statement that, by filing the registration, the registrant swears or affirms that, to the best of the registrant's knowledge, the registrant's lobbying activities have not violated and will not foreseeably violate Article III of this chapter, which governs former city officials and employees.

- h. Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. Fort Worth, TX:** N/A at time of printing.
- j. Indianapolis, IN:**
 - i. § 909-102:** Within fifteen (15) working days after making any contact with an agency regarding an agency action, a lobbyist shall file with the license administrator a registration statement that contains the following information on a form provided by the administrator: **(1)** The name, business address, telephone number, electronic mail address, and occupation of the lobbyist; **(2)** The name, business address, telephone number, and electronic mail address of the: **(a.)** Lobbyist's employer; and **(b.)** Any real party in interest on whose behalf the lobbyist is acting, if it is different from the employer; **(3)** A brief description of the subject matter to which the engagement or engagements relate; **(4)** The identity of the agency or agencies to which the engagement or engagements relate; and **(5)** A verified statement that in the course of engaging in any lobbying activity, the lobbyist has read and will comply with Chapter 293 of this Code.
 - ii. § 909-104(a):** If there is a material change to any information contained in a registration statement or annual report under this chapter, the lobbyist shall file

an appropriate written amendment with the license administrator within fifteen (15) days after the change occurs. (b) Each lobbyist shall file a written notice of termination with the license administrator within fifteen (15) days after the end of an engagement; however, this does not relieve the lobbyist of the duty to file an annual report.

k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*

l. **New York, NY:** The largest city in the U.S – *See Addendum #1 in Ethics Binder*

m. **San Francisco, CA**

- i. **§ 2.110(a):** Lobbyists shall register with the Ethics Commission and comply with the disclosure requirements imposed by this Chapter. Such registration shall occur no later than five business days of qualifying as a lobbyist, but the lobbyist shall register prior to making any additional contacts with an officer of the City and County of San Francisco. (b) At the time of initial registration each lobbyist shall report to the Ethics Commission the following information: (1) The name, business address, e-mail address, and business telephone number of the lobbyist; (2) The name, business address, and business telephone number of each client for whom the lobbyist is performing lobbyist services; (3) The name, business address, and business telephone number of the lobbyist's employer, firm or business affiliation; and (4) Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter. (c) For each calendar month, each lobbyist shall submit the following information no later than the fifteenth calendar day following the end of the month: (1) The name, business address and business telephone number of each person from whom the lobbyist or the lobbyist's employer received or expected to receive economic consideration to influence local legislative or administrative action during the reporting period; (2) The name of each officer of the City and County of San Francisco with whom the lobbyist made a contact during the reporting period; (3) The date on which each contact was made; (4) The local legislative or administrative action that the lobbyist sought to influence, including, if any, the title and file number of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or contract, and the outcome sought by the client; (5) The client on whose behalf each contact was made; (6) The amount of economic consideration received or expected by the lobbyist or the lobbyist's employer from each client during the reporting period; (7) All activity expenses incurred by the lobbyist during the reporting period, including the following information: (A) The date and amount of each activity expense; (B) The full name and official position, if any, of the beneficiary of each activity expense, a description of the benefit, and the amount of the benefit; (C) The full name of the payee of each activity expense if other than the beneficiary; (D) Whenever a lobbyist is required to report a salary of an individual pursuant to this Subsection, the filer lobbyist need

only disclose whether the total salary payments made to the individual during the reporting period was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000. (8) All political contributions of \$100 or more made or delivered by the lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco. This report shall include such political contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary. The following information regarding each political contribution shall be submitted to the Ethics Commission: **(A)** The amount of the contribution; **(B)** The name of the contributor; **(C)** The date on which the contribution was made; **(D)** The contributor's occupation; **(E)** The contributor's employer, or if self-employed, the name of the contributor's business; and **(F)** The committee to which the contribution was made. **(9)** For each contact at which a person providing purely technical data, analysis, or expertise was present, as described in section 2.105(d)(1)(K), the name, address, employer and area of expertise of the person providing the data, analysis or expertise. **(10)** Any amendments to the lobbyist's registration information required by subsection (b). **(11)** Any other information required by the Ethics Commission consistent with the purposes and provisions of this Chapter.

- ii. **§ 2.130:** It shall be unlawful knowingly to pay any lobbyist to contact any officer of the City and County of San Francisco, if said lobbyist is required to register under this Chapter and has not done so by the deadlines imposed in this Chapter.

n. San Jose, CA

- i. **§ 12.12.400(A.):** A Lobbyist is required to register with the City Clerk no later than ten (10) days after qualifying as a lobbyist as defined in this Chapter. A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, or Expenditure Lobbyist) is only required to register once. **(B.)** A Lobbyist must renew the registration by January 15 of each year. **(C.)** The annual registration renewal will not be required if a declaration attesting to the termination of lobbying activity within the City has been filed with the City Clerk no later than January 15.
- ii. **§ 12.12.410(A.):** A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, or Expenditure Lobbyist) must fill out one registration report with all the applicable information including the following: **(1.)** Name. **(2.)** Business address. **(3.)** Telephone and fax numbers. **(4.)** Names of all owners if the Lobbyist is a sole proprietorship or partnership of fewer than five (5) persons. **(5.)** Names of the officers and agent for service of process, if any, if the Lobbyist is a corporation. **(6.)** If applicable, a

description of the nature of, the business, corporation, association, committee or any other organization in sufficient detail to inform the reader of its nature and purpose. **(B.)** All Contract Lobbyists must also provide the following information for each client: **(1.)** Name, business address, telephone number of each client; **(2.)** Nature of each client's business; **(3.)** A brief description of the legislative or administrative action(s) the lobbyist seeks to influence on behalf of each client; and **(4.)** Name of each person employed or retained by the lobbyist to engage in lobbyist activity on behalf of each client. **(C.)** Allin-House Lobbyists must also provide the following information: **(1.)** Names of each owner, officer and employee conducting lobbying activities on its behalf; and **(2.)** A brief description of the legislative or administrative action(s) the lobbyist seeks to influence. **(D.)** All Expenditure Lobbyists must also provide the following information: **(1.)** Names of all owners, officers and employees conducting lobbying activities; and **(2.)** A brief description of the legislative or administrative action(s) the lobbyist seeks to influence.

- iii. **§ 12.12.420:** The lobbyist registration report must also contain the following information: **(A.)** Campaign and officeholder contributions that a lobbyist made, delivered or acted' as an intermediary for, to an elected City Official or candidate for City Office made during the preceding calendar quarter. A person is an "intermediary" for a contribution if the recipient of the contribution would consider that person to be the contributor without the disclosure of the identity of the true source of the contribution. Also, a lobbyist acts as an "intermediary" if the lobbyist makes a contribution on behalf of another person, and that other person is acknowledged as the contributor, and the lobbyist is reimbursed for the contribution. **(B.)** Campaign and officeholder contributions made at the behest of an elected City Official or candidate to any other elected public official or candidate for public office during the preceding calendar quarter. **(C.)** All Independent Expenditures made for or on behalf of a City Official or candidate for City office made during the preceding calendar quarter. **(D.)** Fundraising Activity for any City Official, candidate for elective City office or any controlled committee of the elected City Official or candidate for City office or for any political action committee, political party or candidate for elective office of a governmental organization made at the behest of a City Official during the preceding calendar quarter. Required information and disclosures must include the name of the City Official, candidate, committee or party on whose behalf the lobbyist engaged in fundraising activities, or delivered or acted as intermediary for one or more contributions. The information and disclosures must also include the name of the City Official requesting the Fundraising Activity, the date of the Fundraising Activity, the name of the contributors and the amount of contributions raised, delivered and/or made in connection with which the lobbyist acted as an intermediary. **(E.)** Donations to for profit or nonprofit organizations made at the behest of a City Official or candidate for elective City office of any contribution or payment of more than one thousand dollars (\$1,000) in the aggregate made during the preceding calendar quarter. **(F.)** Payments received

for services as a consultant or in any other capacity for services rendered to any City department or Redevelopment Agency, City Official, or any City Official-elect, their controlled committees or officeholder committees. (G.) Contacts made with City Officials or City Officials-Elect during the preceding calendar quarter for the purpose of influencing or attempting to influence legislative or administrative action. Contact information must include a brief description of the item(s) of legislative or administrative action the lobbyist is seeking to influence and the number of contacts in the following ranges: (1), (2-5), (6-10) or (11 or more). (H.) Activity expenses such as payments that directly benefit any City Official, City Official-Elect or member of his or her immediate family or domestic partner made during the preceding calendar quarter. Activity expenses include gifts as defined by Chapter 12.08, honoraria, consulting fees, salaries and other forms of compensation, but do not include campaign contributions.

IV. **REGISTERING AFTER BEING CONVICTED OF A FELONY**

- a. N/A in any of the U.S. cities examined herein.

V. **REGISTRATION FEE**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH § 2321.54(B)(5):** A registration fee of forty-five (45) dollars shall be charged when a legislative agent files his or her first initial registration statement and yearly, thereafter, so long as the legislative agent is still engaged by one or more clients to actively advocate.
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX § 12A-15.5(d):** At the time of filing an initial or subsequent annual registration, a registrant shall pay to the city an annual registration fee of \$300. A separate registration fee is not required for each additional client registered during a registration year.
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN § 131-501:** \$100.00.
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Appendix E.*

- m. San Francisco, CA § 2.110(e)(1):** At the time of registration each lobbyist shall pay a fee of \$500. On or before every subsequent February 1, each registered lobbyist shall pay an additional fee of \$500. **(2)** Failure to pay the annual fee by February 1 shall constitute a termination of a lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized to establish additional processes for the termination of a lobbyist's registration.
- n. San Jose, CA § 12.12.440(A.):** All fees and interest referenced in this Section are set forth in the schedule of fees established by resolution of the City Council. **(B.)** All lobbyists are required to register, including Expenditure Lobbyists or Contract Lobbyists that work for an In-House Lobbyist, and pay an annual registration fee at the time of registration or registration renewal. If the lobbyist registers for the first time on or after June 30 of a given year, the lobbyist may pay a reduced registration fee. If the fee is not paid at the time of registration or registration renewal, a late registration fee will be assessed on a daily basis until the registration fee is paid in full. In no event will the late registration fee exceed one hundred percent (100%) of the unpaid registration fee. **(C.)** Every Contract Lobbyist must pay a fee for each client for whom lobbying activity is undertaken for compensation and the compensation is greater than five hundred dollars (\$500) per client. The fee for each client must be paid on an annual basis with the registration or registration renewal. After the registration or registration renewal, the fee for any new client must be paid with the quarterly report immediately following the quarter when the lobbyist is compensated and the compensation is greater than five hundred dollars (\$500). (Lobbyists for organizations representing a group of organizations or associations such as trade associations will not be assessed a fee for each client if the compensation to the lobbyist is derived from fees or dues members pay for their membership in the organization or association.) **(D.)** Any lobbyist who fails to file a quarterly report or files a quarterly report after the report is due under Section 12.12.430 will be assessed a late filing fee. Interest calculated on a monthly basis or a fraction thereof will accrue on the late filing fee from the date the fee is due to the date the fee is paid. If more than one fee is due, interest will accrue separately upon each fee. **(E.)** Failure to pay any fees and interest assessed in this Section may be enforced as a personal obligation of the lobbyist.

VI. **EXEMPTIONS TO REGISTRATION FEE**

- a. Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. Baltimore, MD:** N/A
- d. Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. Columbus, OH:** N/A
- f. Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. Dallas, TX:** N/A

- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*
- m. **San Francisco, CA § 2.110(e)(3):** The Ethics Commission shall waive all registration fees for any full-time employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. section 501(c)(3) or 501(c)(4).
- n. **San Jose, CA:** N/A

VII. **THE LOBBYIST REGISTRATION TRUST FUND**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH**
 - i. **§ 2321.54(B)(5):** All money collected from this registration fee shall be deposited to the credit of the Lobbyist Registration Fund.
 - ii. **§ 2321.54(E)(7):** All moneys collected from registration fees prescribed under this section shall be deposited into the city treasury to the credit of the Lobbyist Registration Fund created by this ordinance. Money credited to the fund and any interest and earnings from the fund shall be dedicated to covering the costs of coordinating and enforcing this effort and used solely for conducting the lobbyist registration duties of the City Clerk and, as needed for enforcement activities undertaken by the City Attorney.
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX § 12A-15.5(d):** All lobbyist registration fees must be deposited into a separate account within the general fund, which account must be used to offset the costs of administering the city's lobbyist registration program and the costs of handling disclosure filings.
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.

- j. **Indianapolis, IN § 909-103(8)(b)**: The fee for filing a registration under this section shall be provided in section 131-501 of the Code, and shall be deposited in the consolidated county fund.
- k. **Los Angeles, CA**: The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY**: The largest city in the U.S – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA § 2.110(e)(4)**: The Ethics Commission shall deposit all fees collected pursuant to this Section in the General Fund of the City and County of San Francisco.
- n. **San Jose, CA**: N/A

VIII. **REPORTING EXPENDITURES**

- a. **Atlanta, GA**: Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX**: Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD**
 - i. **§ 7-1-506(a)(1)**: A lobbyist shall file an annual report with the Commission on or before January 31 covering the preceding year in which the lobbyist engaged in lobbying. **(2)** If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the annual report. **(3)** The lobbyist shall file a separate annual report for each person the lobbyist represented. **(b)(1)** The report shall include a complete and current statement of the information required under § 7-1-503 of this subtitle. **(2)** The report shall include the total expenditure on lobbying activities in each of the following categories: **(i)** Office expenses of the lobbyist; **(ii)** Professional and technical research and assistance, not reported in paragraph (4) of this subsection; **(iii)** Publications that expressly encourage persons to communicate with public officials; **(iv)** Names of witnesses and the fees and expenses paid to each; **(v)** Meals and beverages for public officials or their spouses or dependent children; **(vi)** Special events, including parties, dinners, athletic events, entertainment, and other functions to which all members of the County Council or a standing committee of the County Council are invited; **(vii)** Reasonable expenses for food, lodging, and scheduled entertainment of public officials for a meeting which is given in return for participation in a panel or speaking engagement at the meeting; **(viii)** Other gifts to or for public officials or their spouses or dependent children; and **(ix)** Other expenses. **(3)(i)** Except for gifts reported in items (2)(vi) and (vii) of this subsection, the report shall include the name of each public official or the public official's spouse or dependent child who has benefited from gifts from the lobbyist that have a cumulative value of \$150 or more during the period covered by the report, whether or not given in connection with lobbying activities. **(ii)** When the \$150 cumulative value is met or exceeded, all succeeding gifts also shall be included in the report itemized by date, beneficiary, amount or value, and nature of the gift. **(4)** Expenses reported in items (2)(vi) and (vii) of this subsection shall be itemized as to date, location,

and expense of the event, but the name of the public official does not need to be included. (5)(i) The report shall include the total compensation paid to the lobbyist not including salaries, compensation, or reimbursed expenses for the staff of the lobbyist. (ii) If lobbying is only a portion of a lobbyist's employment, the lobbyist shall: (1.) Prorate the amount of compensation based on the time devoted to other employment duties; and (2.) For reporting purposes, identify the prorated amounts.

- ii. **§ 7-1-507(a):** If an annual report filed under § 7-1-506 of this subtitle contains the name of a public official or the public official's spouse or dependent child, the Commission shall: (1) Notify the public official within 30 days after the receipt of the report; and (2) Keep the annual report confidential for 60 days after the receipt of the report. (b) Within 30 days after receiving the notification provided under subsection (a) of this section, a public official may file a written exception to the inclusion of the public official's name, or the name of the public official's spouse or dependent child in the annual report.
- iii. **§ 7-1-508(1):** A person who would be required to file an annual report under § 7-1-506 of this subtitle is not required to file the annual report if the person:
 - (i) Reasonably believes that all expenses incurred in connection with the person's lobbying activities will be reported under § 7-1-506 of this subtitle by a properly registered lobbyist acting on the person's behalf; and
 - (ii) Has completed the authorization required under § 7-1-503(b)(4) of this subtitle.(2) A person who is exempt under this section shall:
 - (i) Engage in due diligence to ensure that the person's expenses are reported as authorized under paragraph (1) of this section; and
 - (ii) Is subject to the provisions of this subtitle within a reasonable time after learning of the failure of the registered lobbyist to report information required by this subtitle.

d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*

e. **Columbus, OH:** N/A

f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.

g. **Dallas, TX**

- i. **§ 12A-15.6(a):** Except as provided in Section 12A-15.4 of this article, each registrant shall file with the city secretary a report concerning the registrant's lobbying activities for each client from whom, or with respect to whom, the registrant received compensation of, or expended, monies for lobbying during the prior calendar quarter. The report for the preceding calendar quarter must be filed not earlier than the first day or later than the 15th day of April, July, October, or January, or on the date registration on behalf of the client is required, whichever comes later. If the registrant is not an individual, an authorized officer or agent of the registrant shall file the form. The report must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the following information: (1) The name of the registrant, the name of the client, and any changes or updates in

the information provided in the most recent registration statement filed pursuant to Section 12A-15.5. (2) A list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions. (3) Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis. (4) The name of each city official contacted by the registrant on behalf of the client with regard to a municipal question and the type of contact made with the city official (in person, telephone call, letter, or electronic mail). (5) A list of the employees or agents of the registrant who acted as lobbyists on behalf of the client. (6) Cumulative lobbying expenditures of over \$5,000 in a calendar quarter, separated into the following categories: (A) Advertising and publications. (B) Compensation to other than full-time employees. (C) Reimbursement to others. (D) Personal sustenance, lodging and travel, if reimbursed. (E) Other expenses. (7) Gifts, benefits, and expenditures that have a cumulative value of more than \$25 that are made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, in any calendar quarter must be itemized by item, date, city official, actual cost, and circumstances of the transaction. (8) Each exchange (itemized by date, business entity and address, city official, amount, and nature of transaction) of money, goods, services, or anything of value by the registrant, or by anyone acting on behalf of the registrant, with any business entity in which the registrant knows or should know that a city official has a substantial economic interest, or for which the city official serves as a director or an officer, or in any other policy making position, if: (A) the total of such exchanges is \$250 or more in a calendar quarter; and (B) the city official: (i) has been lobbied by the registrant during the calendar quarter; or (ii) serves on a board, commission, or other city body that has appellate jurisdiction over the subject matter of the lobbying. For purposes of this paragraph, "exchange" does not include a routine purchase from a commercial business establishment, if the city official in question is neither aware, nor likely to become aware, of the transaction. (9) The name and position of each city official or member of a city official's immediate family who is employed by the registrant. (10) A statement that, by filing the report, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the report is true and correct and that the report is complete and includes all information required to be reported under this article. (b) Each person about whose activities a registrant is required to report by Subsection (a) of this section shall provide a full account of such activities to the registrant at least five days before the registrant's report is due to be filed.

- ii. **§ 12A-15.6(d):** No quarterly activity report is required if there is no activity during the preceding calendar quarter and there are no other changes to items required to be reported.

- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN § 909-103:** Not later than January Fifteenth of each year, a lobbyist shall file with the license administrator an annual report that contains the following information on a form provided by the administrator: (1) The name, business address, telephone number, electronic mail address, and occupation of the lobbyist; (2) The name, business address, telephone number, and electronic mail address of the lobbyist's principal employer; (3) The name, business address, and electronic mail address of each real party in interest represented by the lobbyist that has a continuing engagement described in the lobbyist's registration statement; (4) The total amount of payments received for each engagement during the previous calendar year; (5) A brief description of the subject matter for the lobbying activities in which the lobbyist was engaged during the previous calendar year; (6) The identity of the agency or agencies to which the lobbying activities during the previous calendar year were directed; (7) A description and the costs of any item of entertainment, food, drink, honoraria, travel expenses, and registration fees given or provided to an official, appointee, or employee; however, the following items need not be listed: (a.) Items with a face value of less than twenty-five dollars (\$25); and (b.) Items that are exempt under subdivisions (2) through (11) of Section 293-201(b); and (8) A verified statement certifying that in the course of engaging in any lobbying activity during the previous calendar year, the lobbyist has read and complied with Chapter 293 of the Code.
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*
- m. **San Francisco, CA:** N/A
- n. **San Jose, CA:** N/A

IX. **COMPENSATION REPORTS**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH:** N/A
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX:** N/A
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.

- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA:** N/A
- n. **San Jose, CA § 12.12.430(A.):** All lobbyists must file a quarterly report for every calendar quarter during which they retain that status with the City Clerk not later than fifteen (15) calendar days after the end of the qualifying quarter, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. **(B.)** Each quarterly report must contain the same information as required to be disclosed in the registration report, for those activities occurring in that quarter. If a lobbyist has terminated all lobbying activities during such quarter, the lobbyist may file a declaration of termination with the quarterly report. The final quarterly report must include disclosure of any lobbying activities during the quarter of termination. **(C.)** Each quarterly report for Contract Lobbyists must indicate the total compensation promised or received from each client listed during the reporting period for lobbying activity within the following ranges: (\$0-500), (\$501 - \$1,000), (\$1,001 - \$10,000), (\$10,001 - \$100,000), (\$100,001 - \$200,000), (\$200,001 - \$300,000), (\$300,001 - \$400,000), and (Over \$400,001). **(D.)** Each quarterly report must indicate whether the lobbyist has any agreement, arrangement, or understanding regarding compensation for services set forth in Section 12.12.300 C and D for those activities occurring in that quarter and identify the name of the person that filed the disclosure form and the date it was filed with the City Clerk. **(E.)** Quarterly reports must be filed by April 15, July 15, October 15 and January 15 for the prior calendar quarter, and are delinquent thereafter.

X. **ELECTRONIC FILING OF COMPENSATION REPORTS AND OTHER INFORMATION**

- a. N/A in any of the U.S. cities examined herein.

XI. **DUTIES OF THE ETHICS COMMISSION, CLERK OR ADMINISTRATOR**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD**
 - i. **7-1-506(c):** The Commission shall make available a report that computes: **(1)** A separate subtotal of the amount of expenditures reported for each category required to be reported under subsection (b)(2) of this section; **(2)** A subtotal of the combined amount of expenditures required to be reported under subsection (b)(2)(vi), (vii), and (viii) of this section; **(3)** The total amount of compensation paid to lobbyists required to be reported under subsection (b)(4) of this section;

and (4) The total amount reported by all lobbyists for their lobbying activities during the reporting period.

- ii. **§ 7-1-509:** The Commission may require lobbyists to submit other reports that the Commission considers necessary to further the policies of this subtitle.
- iii. **§ 7-1-511(a):** After the Commission reviews a lobbying registration or annual report filed under this subtitle for compliance with the provisions of this title, the Commission shall notify the lobbyist of any omissions or deficiencies in the lobbying registration or annual report. **(b)** If a lobbyist does not correct the omission or deficiency within 30 days after notification, the Commission shall refer evidence of noncompliance to the County Attorney for appropriate action under the enforcement provisions of this title.

d. **Chicago, IL:** 3rd largest city in the U.S. - *See Addendum #3 in Ethics Binder.*

e. **Columbus, OH**

- i. **§ 2321.54(B)(7):** The City Clerk shall be responsible for reviewing each registration statement filed under this division and for determining whether the statement contains all of the information required by this division. If the City Clerk determines that the registration statement does not contain all of the required information or that a legislative agent has failed to file a registration statement, the City Clerk shall notify the person who filed the registration statement regarding the deficiency in the statement or the person who failed to file the registration statement regarding the failure. Any person so notified by the City Clerk shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any person who receives a notice under this section fails to file a registration statement or such an amended registration statement within this fifteen-day period, the City Clerk will send out a second written notification delivered by certified mail and notify the City Attorney of the deficiency in the statement or the failure to file a registration statement. Any person so notified by the City Clerk shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any person who receives a notice under this section fails to file a registration statement or such an amended registration statement within this fifteen-day period, the City Attorney's office will take appropriate action as authorized under this section. If the City Clerk provides notification to the City Attorney under this division, the City Clerk shall also notify in writing the Mayor and each member of the council of the pending investigation. **(8)** The City Clerk shall, in the manner and form that he or she determines, maintain a current list based upon the registration statements and make it available to the public.
- ii. **§ 2321.54(E)(1):** The City Clerk shall keep a file of the registration statements required by this section. Those statements are public records and open to public inspection according to law, and the City Clerk shall computerize them so that the information contained in them is readily accessible to the general public. The

City Clerk shall provide copies of the statements to the general public upon request and may charge a reasonable fee to cover the cost of copying and delivering each statement. (2) The City Clerk shall prescribe and make available an appropriate form for filing the information either electronically, or by hard copy, or both. The form shall contain the following notice in boldface type: "ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2321.13 OF THE COLUMBUS CITY CODES, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE." (3) The City Clerk shall publish on-line instructions, which are also available in hard copy for a reasonable fee to cover the cost of copying and delivering the instructions, which explain this section in clear and concise language. (4) Annually in the month of August, the City Clerk shall compile from registration statements filed, a complete and updated list of registered legislative agents and their clients and publish that list electronically in the City Bulletin. The City Clerk shall provide copies of the list to the general public upon request and may charge a reasonable fee not to exceed the cost of copying and delivering the list. The City Clerk shall also ensure that the current list is available online on the website of the City of Columbus. (5) The City Clerk may adopt rules as necessary to implement this section. (6) The City Clerk shall exercise the powers and duties prescribed under this section.

- iii. **§ 2321.54(E)(8):** The City Clerk shall provide an updated list of registered legislative agents to the members of Council and to the Mayor at anytime upon request.

f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.

g. **Dallas, TX § 12A-15.11:** The city secretary shall: (1) provide guidance and assistance on requirements for lobbyist registration, activity reports, and non-registrant disclosure statements and develop common standards, rules, and procedures for compliance with this article; (2) review registrations, activity reports, and non-registrant disclosure statements for completeness and timeliness; (3) maintain filing, coding, and cross-indexing systems to carry out the purposes of this article, including: (A) a publicly available list identifying all lobbyists and lobbying firms registered with the city and their clients; and (B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this article; (4) on a quarterly basis, provide an updated list of all registered lobbyists and lobbying firms, and their clients, to the city council, the city manager, the city attorney, the city auditor, the administrative municipal judge, all department heads, and all chairs of boards and commissions identified in Section 12A-15.2(1)(H) of this article; (5) make available for public inspection and copying at reasonable times the registrations, activity reports, and non-registrant disclosure statements filed under this article; and (6) retain registrations, activity reports, and non-registrant disclosure statements in accordance with the Local Government Records Act (Title 6, Subtitle C, Texas Local Government Code, as amended).

h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.

- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN § 909-105:** The license administrator shall review the accuracy of registration statements and other documents filed under this chapter, and may require the lobbyist to submit verified statements and other supporting documentation. The license administrator shall notify a lobbyist of any materially incorrect information or other deficiencies in the registration statements or other documents, and within thirty (30) days from receipt of such a notice, the lobbyist shall file an amended statement or other document that satisfies all requirements set forth in this chapter.
- k. **Los Angeles, CA:** Second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** Largest city in the U.S – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA**
 - i. **§ 2.110(d):** The Ethics Commission is authorized to establish procedures to permit the registration and filing of lobbyist disclosures by a business, firm, or organization on behalf of the individual lobbyists employed by those businesses, firms, or organizations.
 - ii. **§ 2.140(a):** The Ethics Commission shall prescribe the format for the submission of all information required by this Chapter. **(b)** Upon request by the Board of Supervisors or the Mayor, the Ethics Commission shall compile the information submitted pursuant to this Chapter and forward a report of the compiled information to the Board of Supervisors and the Mayor within thirty days of receipt of the request. **(c)** Upon request by the Board of Supervisors or the Mayor, the Ethics Commission shall file a report with the Board of Supervisors and the Mayor on the implementation of this Chapter within thirty days of receipt of the request. **(d)** The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection. **(e)** The Ethics Commission shall provide formal and informal advice regarding the duties under this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12. **(f)** The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Chapter pursuant to Charter Section 15.102. **(g)** The Ethics Commission shall conduct quarterly workshops concerning the laws relating to lobbying.
 - iii. **San Jose, CA: § 12.12.620(A.):** Upon the written request of any City Official, the City Clerk will issue an order to show cause to any unregistered person. **(B.)** Such order must specify a time and place where such person must appear to provide evidence satisfactory to the Elections Commission that he or she has complied with the registration requirement or is exempt from registration. **(C.)** If the Elections Commission determines that such person is subject to registration and he or she fails to register within seven (7) days of that determination, such

person will be barred from appearing before City Council or the Redevelopment Agency Board except at a public hearing on his or her own behalf or on oral petition. Such debarment will be in effect for three (3) months from the date of such determination or until registration, whichever is later.

XII. **LOBBYING AGENCY'S RESPONSIBILITIES**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH:** N/A
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX § 12A-15.6(c):** Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required under this section for two years after the date the report containing such items is filed.
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. - *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA**
 - i. **§ 2.135:** All information required under this Chapter shall be submitted to the Ethics Commission, in the format designated by the Commission. The lobbyist shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this Chapter. The lobbyist shall retain for a period of five years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter.
- n. **San Jose, CA § 12.12.430(F):** Records pertaining to the registration and quarterly reports must be preserved by the lobbyist for inspection and audit by the City for a period of five (5) years from the date of production.

XIII. **PRESERVATION OF RECORDS**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.

- c. **Baltimore, MD § 7-1-510(a)(1)**: The Commission or an office designated by the Commission shall: (i) Maintain all registrations and reports filed under this subtitle; and (ii) Subject to paragraph (2) of this subsection, make the registrations and reports available during normal office hours for examination and copying by the public. (2) The Commission may establish administrative procedures for public examination and copying of records. (b) The Commission or an office designated by the Commission shall retain registrations and reports for 4 years after the date of receipt.
- d. **Chicago, IL**: The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH**: N/A
- f. **Charlotte, NC**: Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX**: N/A
- h. **Detroit, MI**: New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX**: N/A at time of printing.
- j. **Indianapolis, IN § 909-106(a)**: To facilitate public access to records regarding lobbying activity, the license administrator shall compile and maintain an index of all registration statements and other documents filed under this chapter. (b) The license administrator shall preserve registration statements and other documents filed under this chapter for a period of at least four (4) years from the date of receipt.
- k. **Los Angeles, CA**: The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY**: The largest city in the U.S. – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA**: N/A
- n. **San Jose, CA**: N/A

XIV. **INVESTIGATING COMPLAINTS**

- a. **Atlanta, GA**: Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX**: Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD**: N/A
Chicago, IL: 3rd largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- d. **Columbus, OH § 2321.54(F)**: The City Attorney may investigate compliance with the filing requirements of this section upon request of the City Clerk or upon a written complaint filed with the City Attorney's Office.
- e. **Charlotte, NC**: Falls under N.C. Gen. Stat. Ann. § 120C.
- f. **Dallas, TX**: N/A

- g. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- h. **Fort Worth, TX:** N/A at time of printing.
- i. **Indianapolis, IN:** N/A
- j. **Los Angeles, CA:** Second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- k. **New York, NY:** Largest city in the U.S – *See Addendum #1 in Ethics Binder*
- l. **San Francisco, CA § 2.145(d):** In investigating any alleged violation of this Chapter the Ethics Commission and City Attorney shall have the power to inspect, all documents required to be maintained under this Chapter. This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance, including the power of subpoena.
- m. **San Jose, CA § 12.12.610(A.):** The City Attorney may investigate complaints of violations of this Chapter. The City Attorney may seek judicial or injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this Chapter. **(B.)** Any person may file a complaint with the City Clerk alleging a violation of this Chapter with the Elections Commission. **(C.)** The City Attorney or the City Clerk may put lobbyists on notice of a potential violation of the requirements of this Chapter, whether or not a complaint is filed with the Elections Commission.

XV. **ADVISORY OPINIONS**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** 3rd largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH:** N/A
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX:** N/A
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A
- k. **Los Angeles, CA:** Second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** Largest city in the U.S – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA:** N/A
- n. **San Jose, CA:** N/A

XVI. **PENALTIES AND FINES**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD**
 - i. **§ 7-1-512(1):** A person who knowingly and willfully violates the provisions of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both. **(2)** If the person is a business entity, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, on conviction, is subject to the same penalties as the business entity.
 - ii. **§ 7-1-601(a):** At the direction of the Commission, the County Attorney may file a petition for injunctive or other relief in the Circuit Court for the county, or in another court of competent jurisdiction, to require compliance with this title. **(b)(1)** The County Attorney may seek to have the court issue an order requiring a person to cease and desist from a violation of this title, or voiding an official action taken by a public official who has a conflict of interest prohibited by this title, or both. **(2)(i)** Except as provided in subparagraph (ii) of this paragraph, the court may issue an order to void an official action if: **(1.)** The official action to be voided arises from or concerns the subject matter of the public official's conflict of interest; **(2.)** The request is brought to the court within 90 days after the occurrence of the official action; and **(3.)** The court considers voiding the official action to be in the best interests of the public. **(ii)** The court may not void an official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligation. **(c)(1)** As part of a petition for relief or as a separate cause of action, the County Attorney may seek to have the court impose a civil penalty of up to \$1,000 for a violation of this title. **(2)** Each day the violation occurs constitutes a separate offense. **(d)** The Commission may: **(1)** Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosures statement required under Subtitle 3 of this title; and **(2)** Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under Subtitle 5 of this title. **(e)** The County Attorney may seek to recover the value of anything received by a person for violations of this title.
 - iii. **§ 7-1-602:** In addition to any other enforcement provisions in this title, a public official who is subject to the provisions of this title and who is found by the Commission or a court to have violated its provisions is subject to: **(1)** Termination; **(2)** Disciplinary action as may be warranted; or **(3)** Suspension from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH § 2321.54(G):** Whoever violates the prohibitions contained in division (C) of this section is guilty of a misdemeanor of the fourth degree.

- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX § 12A-15.12(a):** A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued. **(b)** An offense under this article is punishable by a criminal fine not to exceed \$500.
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN**
 - i. **§ 909-107:** In addition to license administrator's hearings and any penalties the license administrator may impose, including but not limited to suspension and revocation of registrations, a lobbyist's first violation of: **(1)** Failure to file a registration statement as required by Section 909-103 of the Code; **(2)** Failure to file an annual report as required by Section 909-104 of the Code; **(3)** Failure to report changed information or termination of engagement as required by Section 909-105 of the Code; or **(4)** Failure to file an amended statement or other document as required by Section 909-106 of the Code; shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code. A lobbyist's second and subsequent violations of these provisions are subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.
 - ii. **§ 103-3(a):** Whenever in any chapter, article, division or section of this Code, or of any ordinances amendatory thereof or supplemental thereto: **(1)** The doing of any act, or the omission to do any act or to perform any duty, is declared to be a violation of this Code, or of any such amendatory or supplemental ordinance, or of any provision thereof, or is declared to be unlawful; and **(2)** If there shall be no fine or penalty otherwise specifically prescribed or declared for any such violation, or for doing or for omitting to do any such act or to perform any such duty; any person found to have committed any such violation shall be fined, by way of a penalty therefor, an amount not exceeding any limitation under IC 36-1-3-8 for each such violation, act or omission. **(b)** In addition to the foregoing penalty, the city may enjoin or abate any violation of this Code by appropriate action.
- k. **Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*
- m. **San Francisco, CA**
 - i. **§ 2.110(e)(2):** Failure to pay the annual fee by February 1 shall constitute a termination of a lobbyist's registration with the Ethics Commission. The Ethics

Commission is also authorized to establish additional processes for the termination of a lobbyist's registration.

- ii. **§ 2.145(a):** If any lobbyist fails to submit any information required by this Chapter after any applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the information is received by the Ethics Commission. The Executive Director of the Ethics Commission may reduce or waive a late filing fee if the Executive Director Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall notify the Commission of his or her determination. Thereafter, any two or more members of the Commission may cause the reduction or waiver to be calendared for consideration by the full Commission in open session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the Executive Director's recommendation. A Commissioner's request that a reduction or waiver be calendared must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco. **(b)** Any person who knowingly or negligently violates this Chapter, including but not limited to, by providing inaccurate or incomplete information regarding lobbying activities, may be liable in an administrative proceeding before the Ethics Commission pursuant to Charter section C3.699-13. In addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue warning letters regarding potential violations of this Chapter. **(c)** Any person or entity which knowingly or negligently violates this Chapter may be liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.
- iii. **§ 2.145(e):** Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable. If a business, firm or organization registers or files lobbyist disclosures on behalf of its employees pursuant to section 2.110(d), the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities. **(f)** The City Attorney may also bring an action to revoke for up to one year the registration of any lobbyist who has knowingly violated this Chapter.
- iv. **§ 2.150(a):** No civil action shall be brought to enforce this Chapter unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the City Attorney. For the purpose of this subsection, a civil action is brought when the City Attorney files the action in a court of law. **(b)** No administrative action alleging a violation of this Chapter and brought under Charter section C3.699-13

shall be brought more than four years after the date of events which form the basis of the complaint, or the date that the events constituting the basis of the complaint were discovered by the Ethics Commission. For the purpose of this subsection, a complaint is brought by the Executive Director of the Ethics Commission upon the date of service of the probable cause report. (c) A civil action brought to enforce or collect penalties or late filing fees imposed under this Chapter shall be brought within four years after the date on which the penalty or late filing fee was imposed. For purposes of this subsection, a penalty or late filing fee is imposed when the Ethics Commission has issued a final decision in an enforcement action imposing a penalty for a violation of this Chapter or the Ethics Commission or Executive Director has made a final determination regarding the amount of a late filing fee imposed under this Chapter. The Ethics Commission or Executive Director does not make a final determination regarding the amount of a late filing fee imposed under this Chapter until the Ethics Commission or Executive Director has made a determination to accept or refuse any request to waive a late filing fee where such waiver has been timely requested and is expressly authorized by statute, ordinance, or regulation. For the purpose of this subsection, a civil action is brought when the City Attorney files the action in a court of law.

- n. **San Jose, CA § 12.12.630:** Each violation of this Chapter may result in civil penalties of up to five thousand dollars (\$5,000) or the amount of the compensation received for the lobbying activity, whichever is greater may be assessed by the Elections Commission or a court of law.

XVII. **CONTINGENCY FEES; PROHIBITIONS; PENALTIES**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD § 7-1-505:** A person may not engage in lobbying on behalf of another person for compensation that is contingent on the passage or defeat of an action by the County Council.
- d. **Chicago, IL:** 3rd largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH:** N/A
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX:** N/A
- h. **Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. **Fort Worth, TX:** N/A at time of printing.
- j. **Indianapolis, IN:** N/A

- k. **Los Angeles, CA:** Second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. **New York, NY:** Largest city in the U.S – *See Addendum #1 in Ethics Binder.*
- m. **San Francisco, CA:** N/A
- n. **San Jose, CA:**
 - i. **§ 12.12.300(A.):** A person may not accept compensation for lobbying activity when the compensation is directly dependent on the result of legislative or administrative action(s) that are the subject of the lobbying activity. **(B.)** A person may not accept compensation for engaging in lobbying activity when the compensation depends on both: **(1.)** The result of legislative or administrative action(s) that are the subject of the lobbying activity; and **(2.)** Additional condition(s) or event(s) that are not the subject of the lobbying activity. **(C.)** A person engaged in lobbying activity may accept compensation for services, other than lobbying activity, when the compensation directly depends on the result of legislative or administrative action(s) that are the subject of the lobbying activity. **(D.)** A person engaged in lobbying activity may accept compensation for services, other than lobbying activity, when the compensation depends on both: **(1.)** The result of legislative or administrative actions that are the subject of the lobbying activity; and **(2.)** Additional condition(s) or event(s) that are not the subject of the lobbying activity.
 - ii. **§ 12.12.310(A.):** A person engaged in lobbying activity must disclose any agreement, arrangement, or understanding regarding compensation for services set forth in Section 12.12.300.C and D. **(B.)** Except as provided in Subsection C, a person engaged in lobbying activity must file with the City Clerk at least one (1) business day before any lobbying activity, the following information: **(1.)** Name, address, and telephone number of the person engaged in lobbying activity. **(2.)** Name and address of the source of compensation. **(3.)** A brief description of the legislative or administrative action the person engaged in lobbying activity is seeking to influence. **(4.)** If compensation can be calculated at the time of the disclosure, the compensation within the following ranges: (\$0-\$500), (\$501-\$1,000), (\$1,001-\$10,000), (\$10,001-\$100,000), (\$100,001-\$200,000), (\$200,001-\$300,000), (\$300,001-\$400,000), and (over \$400,000). **(5.)** If compensation cannot be calculated at the time of the disclosure, a brief description of the basis for determining the compensation, and any legislative or administrative action(s) and/or additional condition(s) or event(s) that must occur before the person engaged in lobbying activity is entitled to receive compensation. **(C.)** A person engaged in lobbying activity that is not yet required to register as a lobbyist as defined under Section 12.12.180 may file the disclosure form concurrent with the registration report.
 - iii. **§ 12.12.320:** A person engaged in lobbying activity may have separate written agreements for lobbying activity and other services related to the same project or issue.
 - iv. **§ 12.12.330:** Sections 12.12.300 and 12.12.310 do not apply to compensation for services by an attorney licensed to practice law in the State of California who

represents a party or potential party in pending or actual litigation or administrative enforcement proceeding brought by or against the City.

XVIII. **STATE, STATE UNIVERSITY, AND COMMUNITY COLLEGE EMPLOYEE LOBBYIST: REGISTRATION; RECORDING ATTENDANCE; PENALTY; EXEMPTIONS**

- a. N/A in any of the U.S. cities examined herein.

XIX. **USE OF STATE FUNDS FOR LOBBYING PROHIBITED; PENALTY**

- a. N/A in any of the U.S. cities examined herein.

XX. **MISCELLANEOUS SECTIONS OF CODE**

- a. **Atlanta, GA:** Falls under Ga. Code Ann. § 21-5.
- b. **Austin, TX:** Falls under Tex. Gov't Code Ann. § 305.
- c. **Baltimore, MD:** N/A
- d. **Chicago, IL:** The third largest city in the U.S. - *See Addendum #3 in Ethics Binder.*
- e. **Columbus, OH § 2321.54(C)(1):** No legislative agent or client shall knowingly fail to register as required under division (B) of this section. **(2)** No person shall knowingly fail to file any statement that the person is required to file under division (B) of this section.
- f. **Charlotte, NC:** Falls under N.C. Gen. Stat. Ann. § 120C.
- g. **Dallas, TX**
 - i. **§ 12A-15.7(a):** Non-registrant disclosure statement required for designated persons. **(1)** Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member or a member of the city plan commission on a municipal question relating to a designated zoning case that will affect the property shall file a non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member or member of the city plan commission for lobbying purposes. This paragraph only applies to lobbying contacts made after the application for the designated zoning case is filed with the city. **(2)** Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member on a municipal question relating to a designated public subsidy matter that will affect the property shall file a non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member for lobbying purposes. This paragraph only applies to lobbying contacts made after the designated public subsidy matter is posted on a city council committee agenda or a council agenda, whichever occurs first. **(b)** A non-registrant disclosure statement must be filed with the city secretary on the form and in the manner prescribed by the city secretary. If the

applicant, property owner, or purchaser with a property under contract is not an individual, an authorized officer or agent of that person shall file the non-registrant disclosure statement. The non-registrant disclosure statement must include, to the extent applicable, the following information: **(1)** The full name, telephone number, permanent address, and nature of the business of: **(A)** the applicant; **(B)** the property owner; and **(C)** the purchaser with a property under contract. **(2)** The full name, telephone number, permanent address, and nature of the business of the person filing the non-registrant disclosure statement, if different from the applicant, property owner, or purchaser. **(3)** The address of the property that is the subject of the designated zoning case or designated public subsidy matter, whichever applies. **(4)** A description of the designated zoning case or designated public subsidy matter. **(5)** The name of each city council member or city plan commission member contacted by the applicant, property owner, or purchaser relating to a designated zoning case or the name of each city council member contacted by the applicant, property owner, or purchaser relating to a designated public subsidy matter, and the type of contact made (in person, telephone call, letter, or electronic mail). **(6)** A statement that, by filing the non-registrant disclosure statement, the filer swears or affirms under penalty of perjury that, to the best of the filer's knowledge, all information contained in the non-registrant disclosure statement is true, correct, and complete and includes all information required to be disclosed under this section. **(c)** Lobbying contacts on a designated zoning case or designated public subsidy matter made after an initial non-registrant disclosure statement is filed must be reported by the applicant, property owner, or purchaser with a property under contract in quarterly non-registrant disclosure statements. A quarterly non-registrant disclosure statement must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the same information required in Subsection (b) of this section. The non-registrant disclosure statement for the preceding calendar quarter must be filed not earlier than the first day or later than the 15th day of April, July, October, or January. **(d)** No fee will be charged for filing a non-registrant disclosure statement under this section. **(e)** This section does not apply to: **(A)** an applicant, property owner, or purchaser with a property under contract who is currently registered with the city as a lobbyist and filing activity reports in accordance with this article; or **(B)** a neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole.

- ii. **§ 12A-15.8(a):** A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not intentionally or knowingly: **(1)** make any false or misleading statement of fact to any city official; or **(2)** knowing a document to contain a false statement, cause a copy of such document to be received by a city official without notifying such official in writing of the truth. **(b)** A registrant who learns that a statement contained in a registration form or activity report filed by the registrant during the past three

years is false shall correct that statement by written notification to the city secretary within 30 days of learning of the falsehood. (c) A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not do any act, or refrain from doing any act, with the express purpose and intent of placing any city official under personal obligation to such lobbyist or person. (d) A registrant shall not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat. (e) A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not cause any communication to be sent to a city official in the name of any fictitious person, or in the name of any real person except with the consent of such real person. (f) A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not represent, either directly or indirectly, orally or in writing, that the person can control or obtain the vote or action of any city official. (g) A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) lobby a city council member from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council. This subsection does not prohibit a bidder or proposer from speaking at the city council meeting where the award of the contract is considered.

- iii. **§ 12A-15.9(a):** Each person who lobbies or engages another person to lobby before the city council or before a city board or commission identified in Section 12A-15.2(1)(H) shall orally identify himself or herself and any client he or she represents upon beginning an address. Each person who lobbies or engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the identity of the client he or she represents, and whether he or she is registered as a lobbyist under this article. (b) Any person who makes an oral lobbying contact with a city official shall, on the request of the official at the time of the lobbying contact, state whether the person is registered under this article and identify each client on whose behalf the lobbying contact is made. (c) Any registrant who makes a written lobbying contact (including an electronic communication) with a city official shall identify each client on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist.
- iv. **§ 12A-15.10(a):** A registration, an activity report, or a non-registrant disclosure statement filed by first-class United States mail or by common or contract carrier is timely if: (1) it is properly addressed with postage and handling charges prepaid; (2) it bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline, or the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that filing period or before that filing deadline; and (3) it was in

fact received by the city secretary. (b) A registration, an activity report, or a non-registrant disclosure statement filed electronically is timely if it is time and date stamped as having been received by the city's server by 5 p.m. on the last day permitted for filing the particular registration, report, or statement under this article.

- h. Detroit, MI:** New legislation is currently pending approval by city council as of July 30, 2012.
- i. Fort Worth, TX:** N/A at time of printing.
- j. Indianapolis, IN:** N/A
- k. Los Angeles, CA:** The second largest city in the U.S. - *See Addendum #2 in Ethics Binder.*
- l. New York, NY:** The largest city in the U.S. – *See Addendum #1 in Ethics Binder*
- m. San Francisco, CA**

 - i. § 2.115(a):** No lobbyist shall make gifts to an officer of the City and County that have a fair market value of more than \$25, except for those gifts that would qualify for one of the exemptions under section 3.216(b) of this Code and its implementing regulations. **(b)** No lobbyist shall cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat. **(c)** No lobbyist shall contact any officer of the City and County in the name of any fictitious person or in the name of any real person, except with the consent of such real person. **(d)** No lobbyist shall attempt to evade the obligations imposed by this Chapter through indirect efforts or through the use of agents, associates or employees.
 - ii. § 2.116:** Each lobbyist must complete a lobbyist training session offered by the Ethics Commission within one year of the lobbyist's initial registration. Thereafter, lobbyists shall attend additional training sessions as required by the Executive Director, at his or her discretion.
 - iii. § 2.117(a):** No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action. **(b)(1)** This prohibition shall not apply to: **(A)** an employee of a campaign consultant whose sole duties are clerical; or **(B)** an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the City and County with whom the employee seeks to communicate in order to influence local legislative or administrative action. **(2)** The exceptions in Subsection (b)(1) shall not apply to any person who communicates with an officer of the City and County in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (a) from making the communication. **(c)** Whenever the

following words or phrases are used in this Section, they shall mean: (1) "Campaign Consultant" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code. (2) "Campaign consulting services" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code. (3) "Current client" shall mean a person for whom the campaign consultant has filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d) of this Code and not filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code. If such person is a committee as defined by Section 82013 of the California Government Code, the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose. (4) "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them. (5) "Former client" shall mean a person for whom the campaign consultant has filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code within the 60 months prior to communicating with the person.

- iv. **§ 2.120(a):** If any lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and such client does employ, any officer of the City and County, any immediate family member or registered domestic partner of an officer of the City and County, or any person known by such lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the lobbyist shall file within 10 days after such employment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee. **(b)** If an employee of a lobbyist is appointed to City or County office, the lobbyist shall file within 10 days after such appointment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee. **(c)** Whenever a filer is required to report the salary of an employee who is also an officer or employee of the City and County pursuant to this Section, the filer need only disclose whether the total salary payments made to the employee are less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

n. **San Jose, CA**

- i. **§ 12.12.500:** No person engaged in lobbying activity may commit any of the following acts: **(A.)** Engage in any activity on behalf of a client or accept compensation for lobbying activity unless such lobbyist is registered and has filed the information required by this Chapter. **(B.)** Do any act to place any City Official or immediate family member of a City Official under his or her personal or financial obligation. **(C.)** Intentionally deceive or attempt to deceive a City

Official as to any material fact which is pertinent to any pending or proposed legislative or administrative action. **(D.)** Contact any public official in the name of any non-existent person or in the name of any existing person except with the consent of such existing person. **(E.)** represent, either directly or indirectly, orally or in writing that he or she can control or obtain the vote or action of any City Official. **(F.)** Perform services for a client on a matter including any legislative action or Administrative action for a period of two (2) years after which the lobbyist had performed services on such matter as a consultant for the City of San Jose or Redevelopment Agency. **(G.)** Contact any City or Agency employee, or members of an evaluation team or panel for a City or Redevelopment Agency Request for Proposal or Request for Qualifications concerning a City or Redevelopment Agency Request for Proposal or Request for Qualifications, other than a City or Agency designated contact person, during the period of time from the release to prospective proposers of the Request for Proposal or Request for Qualification until a recommendation is made public by the City or Agency.

- ii. **§ 12.12.600(A.):** The City Clerk oversees compliance with this Chapter, including the creation of all forms and explanatory materials. **(B.)** A training workshop will be established for elected City officers and lobbyists on City ethics ordinances and a code of ethics for lobbyists. The City Clerk establishes a program of required attendance on a regular basis not less than once every three (3) years. Training workshops will be provided to newly elected City Officials.
- iii. **§ 12.12.700:** City Officials are prohibited from suggesting, advising or recommending that a person obtain the services of a lobbyist or recommend the name of a particular lobbyist to facilitate favorable legislative or administrative action by the City or Redevelopment Agency with regard to such person's matter pending before the City or Redevelopment Agency.
- iv. **§ 12.12.800:** Before taking any legislative or administrative action, the Mayor, each Member of the City Council, the Chair and each member of the San Jose Redevelopment Agency Board of Directors, and each Member of the Planning Commission, Civil Service Commission, or Appeals Hearing Board must disclose all scheduled meetings and telephone conversations with a registered lobbyist about the action. The disclosure may be made orally at the meeting before discussion of the action on the meeting agenda. The oral disclosure must identify the registered lobbyists, the date(s) of the scheduled meetings and telephone conversations, and the substance of the communication. This section does not limit any disclosure obligations that may be required by this Code or City policy.

Final Notes and Thoughts

I. Miami –Dade County Notes

- a. Have an online data base containing lobbyist information
- b. Currently working on online registration system
 - i. Hoping to be online this year
 - ii. Being developed in-house
- c. Each office has a reception area.
 - i. Lobbyist are supposed to sign in before proceeding.
 - ii. Each office keeps own records.
 1. Was not actually sure if that was being done.
 - iii. Signs are posted explaining what lobbyist must do in offices
 - iv. Put out forms for lobbyist to fill out.
- d. Inspector General can investigate if they are tipped off by the public
 - i. Can only punish lobbyist/
 - ii. Didn't think they could punish council members but technically if they knowingly violated the law then it may be possible.
- e. Fines only; No Jail Time
 - i. Unregistered it's a \$500.00 fine the first time, \$1000.00 the second time and if it was done intentionally then it is \$1000.00 the first time, \$2000.00 the second time.

II. Orange County Notes

- a. Lobbyist registration is originally entered by hand
- b. In house and contract lobbyist must both register
- c. Lobbyist given an electronic sign on name
 - i. Must enter that name in computer before proceeding to council members
 - ii. Can check on or all council members
 - iii. Given a receipt from secretary
 - iv. Automatic update of information to the web for public viewing
 - v. Developed in-house in 2009
 - vi. IT department willing to talk to us.
- d. No electronic expenditure reporting yet b/c
 - i. Require a notarized signature from principal
- e. They consider their system a great success
 - i. They are proud of it
 - ii. Number of people have looked at it
 - iii. Keep ability to paper sign in incase of emergency
- f. No jail time but can ban lobbyist
 - i. Commissioners are not held responsible
 - ii. Must give 7 day notice for meeting outside office
 - iii. Can use email for meetings but can't use phone calls.
- g. Implementing the system

- i. Need an administrator who has a good reputation with the community.
 - ii. Send them reminders and notices often
 - iii. Sometimes hold their hand
 - iv. Sometimes put a gun to their head (*figuratively!)
- h. Documents everything in paper so that lobbyist can weasel out of trouble later.

III. State of Florida

- a. No Electronic Registration
- b. Electronic reporting → started in 2007
 - i. Take lobbyist info at registration, compile, put online
 - ii. Lobbyist get username/password
 - iii. Report quarterly
 - iv. Only Contract lobbyist must report
 - v. In-house lobbyist don't have to report
 - vi. Been no major incidents to report
 - vii. 99% success rate
 - viii. System was developed in-house → IT guys willing to talk to us
- c. Tips
 - i. Make the process as easy as possible for lobbyist so they can't complain
- d. Penalties
 - i. Legislative complaints go to Rules and Calendar Committee
 - ii. Executive complaints go to the Ethics Committee
 - iii. None for legislator or executive
 - iv. No Jail Time
- e. Outside The office meetings
 - i. Based on good faith effort from the public
 - ii. But must always be registered