

City of Hollywood Code of Ordinances

§ 30.15 LOBBYIST/VENDOR REGULATIONS.

(A) *Definitions.* For the purpose of this section only, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTINGENCY FEE. A fee, bonus, commission, or non-monetary benefit 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.

COVERED INDIVIDUAL. (i) Any member of the City Commission; (ii) any member of a final decision-making body under the jurisdiction of the City Commission; (iii) any individual directly appointed to a city employment position by the City Commission; (iv) any individual serving on a contractual basis as the City Attorney or City Manager, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a city procurement; (vi) any employee, any official, or any member of a city committee that has authority to make a final decision regarding a city procurement; (vii) and the head of any department, division, or office of the city who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.

ELECTRONIC FILING SYSTEM. An Internet system for recording and reporting lobbying registration statements.

LOBBYING. 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 the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

LOBBYIST. 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 mean a person who is:

(1) An elected official, employee, or appointee of the city 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

POLITICAL SUBDIVISION. A county, municipality, school district, or any other district in this state.

PRINCIPAL OR CLIENT. The person, firm, corporation, or other entity which has employed or retained a lobbyist and pays such lobbyist any remuneration or expenses for lobbying activities in the city.

(B) *Lobbying registration and statements.*

(1) Registration statement required.

(a) Prior to engaging in lobbying activities, every lobbyist shall file with the City Clerk an annual 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) or client(s), if any. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any principal(s) or client(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted principal(s) or client(s), file an amendment to the registration statement containing all the information required in the annual registration statement.

3. The general and specific subject matters 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.

(b) A lobbyist is required promptly to amend any filed registration statement if any information in the statement changes.

(c) Registration statements filed for the period from June 1, 2011 through May 31, 2012 will be deemed to be effective until July 31, 2012. Thereafter registration statements will be effective from August 1 of a given year through July 31 of the following year. A new registration statement shall be filed prior to engaging in any lobbying activities after expiration of a registration statement.

(d) Effective August 1, 2016, each lobbyist shall pay to the City Clerk an annual registration fee in the amount of \$100.00 for each principal or client identified on an annual or amended registration statement on whose behalf he or she intends to lobby; provided, however, that a lobbyist shall not be required to pay this fee for any principal or client who does not compensate the lobbyist for his or her services. Registration fees paid under this paragraph cover lobbying activities during the effective period of the registration statement. All required fees shall be paid prior to engaging in any lobbying activities after expiration of a registration statement.

(2) Disclosure statement required.

(a) 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 shall be filed no later than August 31 of each year. Lobbying expenditures shall not include personal expenses for lodging, meals and travel. Said statements shall be rendered in the form provided by the City Clerk and shall be open to public inspection. A statement shall be filed for each reporting period during which a lobbyist engages in lobbying activities, even if there have been no expenditures during the reporting period.

(~~b~~ e) Statements required to be submitted pursuant to division (B)(~~2~~ 4)(~~a~~ 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 postmarked by the United States Postal Service no later than midnight of the due date or submitted with 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 deemed to have been filed in a timely manner.

(c) In the event that the City Clerk does not receive the annual statement by the time period set forth in division (B)(2)(b) 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 20 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 within the city and shall cancel the lobbyist's registration statement on file. Once the cancellation occurs, the lobbyist shall be prohibited from engaging in lobbying activities within the city until he or she files a new registration statement and pays all fines assessed pursuant to division (d) below.

(d) A lobbyist who fails to timely file a statement shall be notified and assessed fines as follows:

1. Upon determining that the statement is late, the City Clerk shall immediately 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 \$50.00 per day for each late day but shall not exceed a total fine of \$500.00.

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.

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 appeal is denied, the fine shall be paid within 20 days of the City Commission's decision.

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 automatic fine waiver, all statements for which the lobbyist is responsible must be filed within 20 days after receipt of notice pursuant to subdivision 1 above. A fine shall be assessed for any subsequent late-filed statement.

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 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.

(3) Electronic filing required. Each person who is required to file a lobbying registration statement or any other lobbying statement pursuant to this section must file such statement by means of the City's electronic filing system.

(4) Adoption by reference of a portion of Elected Official Code of Ethics. Subsection (c)(3) of the Elected Official Code of Ethics (Section 1-19 of the Broward County Code of Ordinances), is hereby adopted by reference.

(5) 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)(2)(a) of this section for that portion of the year during which the lobbyist was engaged in lobbying activities.

(C) *Prohibition on use of lobbying statements.* No person shall sell or utilize information obtained from lobbying statements 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 purposes.

(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 purposes 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 the political subdivision of which the individual is an elected official or 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 proposals, requests 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) *Penalties.*

(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)(~~2~~ 4)(~~a~~ 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.

(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 or client before the City Commission or any decision-making body under the jurisdiction of the City Commission or from otherwise lobbying for any principal or client 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 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 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.

(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 of any person to comply with the provisions of this section.

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