

ORDINANCE NO. 0-2005-24

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 30 OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 30.15 ENTITLED "LOBBYIST; REGISTRATION AND DISCLOSURE; ENFORCEMENT" IN ORDER TO UPDATE THE REQUIREMENTS FOR LOBBYISTS.

WHEREAS, Section 30.15 of the Hollywood Code of Ordinances establishes the procedures and guidelines for Lobbying activities; and

WHEREAS, the City Commission desires to update Section 30.15;

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

Section 1: That Section 30.15 of the City's Code of Ordinances entitled "Lobbyists; Registration and Disclosure; Enforcement" is hereby amended to read as follows:

**TITLE III: ADMINISTRATION**

**CHAPTER 30: CITY POLICIES, GENERALLY**

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***LOBBYISTS; EX PARTE COMMUNICATIONS***

**§30.15 LOBBYISTS REGULATIONS; ~~REGISTRATION AND DISCLOSURE;~~ ~~ENFORCEMENT.~~**

(A) **DEFINITIONS.** For the purpose of this section only the following definitions shall apply:

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

**CONTINGENCY FEE** means 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.

**LOBBYING** means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any City Commissioner or any member of any decision-making body under the jurisdiction of the City Commission, or any City employee, where the Lobbyist 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.

**LOBBYIST.** 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 foreseeably 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 or for the representation of others without compensation or reimbursement to express support of or in opposition to any ordinance, resolution, decision or action of the City Commission; or any resolution, action, recommendation or 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.

**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.** 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/her Principal(s), if any.**
- 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 of Hollywood. 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.**

**(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 statements 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.

(c) Statements required to be submitted pursuant to paragraph (b) above shall be filed no later than 5 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 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.

(d) In the event that the City Clerk does not receive the annual statement by the time period set forth in (c) above, 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 thirty (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 within the City and shall cancel the Lobbyist's registration statement on file. Once the cancellation occurs, the Lobbyist will be required to file a new registration statement in order to engage in Lobbying activities within the City.

(e) 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 Fifty Dollars (\$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.

(d) When the statement from an established courier company is dated.

3. Such fine shall be paid within twenty (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 twenty (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 fine waiver, all statements for which the Lobbyist is responsible must be 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.

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 twenty (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/her intention to bring the matter before the City Commission.

(f) Any lobbyist who fails to file the required annual statement shall be prohibited from engaging in Lobbying activities until he/she pays all fines that have become final by:

- (i) failure to appeal, or
- (ii) City Commission decision to uphold the fine in whole or in part.

(2) List of Principal(s). A Lobbyist shall file a registration statement for each Principal on whose behalf he or she lobbies.

(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 subsection (B)(1)(b) for that portion of the year during which the Lobbyist was engaged in Lobbying activities.

~~(B) (1) Commencing 15 days after the effective date of this section and continuing thereafter, every Lobbyist shall, before engaging in any Lobbying activity in the city, register with the City Clerk's office on the forms provided by the city.~~

~~(2) Every person, firm or corporation required to register as a Lobbyist shall register on forms prepared by the City Attorney and shall state under oath the Lobbyist's name, business address, the name and business address of each principal and client represented on city matters, any previous principal and client represented who has, at the time of registration, any matters pending where the city is involved, and the general and specific areas of Lobbyist interest in any city matter. Separate registration is required for each principal represented.~~

~~(3) All registration forms shall be public records and open to the public upon the filing thereof.~~

~~(C) Commencing June 1, 1993, and annually thereafter, every registered Lobbyist shall annually submit to the City Clerk's office a signed statement under oath listing all Lobbying expenditures incurred in the past 12 months on behalf of each of their respective principals or clients represented on city matter. The Lobbying expenditures to be disclosed shall include all expenses of any nature or kind for or on behalf of the Lobbyist and for expenses for lodging, meals, entertainment and travel of the Lobbyist. Such annual disclosure statements shall be submitted on the forms provided by the City Clerk's office and shall be open to public inspection. Such statements shall be filed, even if there have been no expenditures during an annual reporting period until such time as a notice of withdrawal of Lobbying activities is filed by the Lobbyist with the City Clerk.~~

~~(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) At the request of the City Commission, the City Attorney shall investigate any person engaged in Lobbying activities which may be in violation of this section or any subsection hereof. The City Attorney shall report the results of the investigation to the City Commission. Upon a finding by the City Commission of a violation by a Lobbyist of this section or any subsection hereof, the City Commission may publicly reprimand, censure, and/or prohibit such person or firm from Lobbying before the City Commission or a city administrative board, agency, committee or city staff for a period of up to but not to exceed two years.~~

(D) Penalties.

(1) The City Manager or his/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 subsection (B)(1)(b), 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 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 (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 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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Section 3: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

ORDINANCE REGARDING LOBBYIST REGULATIONS

Section 4: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.


Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised Oct 21, 2005.

PASSED on first reading this 11 day of Oct, 2005.


PASSED AND ADOPTED on second reading this 2 day of Nov, 2005.

  
MARA GIULIANTI, MAYOR

ATTEST:

  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

  
DANIEL L. ABBOTT, CITY ATTORNEY

11/3/05pac