

ORDINANCE NO. 2013-21

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-78 ENTITLED "LOBBYING" BY ADDING AN ANNUAL REGISTRATION FEE REQUIREMENT; CREATING AN EXEMPTION FROM PAYING THE REGISTRATION FEE; AMENDING THE REPORTING REQUIREMENTS FOR LOBBYISTS; AMENDING THE REGISTRATION FORM FOR LOBBYIST REGISTRATION; PROVIDING FOR EXEMPTIONS TO LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of North Miami Beach find that the requirement of registering lobbyists is in the best interest of the citizens of the City; and

WHEREAS, while lobbying is subject to extensive and often complex rules, the activity of lobbying has been interpreted by court rulings as free speech and protected by the United States Constitution; and

WHEREAS, there are many pros to lobbying activities, such as allowing elected officials to find out about topics that perhaps are not in their area of expertise, and lobbyists can educate and inform and often provide valuable information for elected officials; and

WHEREAS, lobbying is about representing people's interests and is part of a practicing democracy; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach find that to preserve and maintain the integrity of the governmental decision-making process, complete public disclosure of the identity and activities of certain persons who engage in support of or against an item before the City Council or city boards, be publicly and regularly disclosed.

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NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1. Section 2-78 of the Code of Ordinances of the City of North Miami Beach, Florida, entitled "Lobbying", is hereby amended as follows:

§2-78 Lobbying.

1. Definitions.

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

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the City for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any elected official or City Council; (b) any action, decision, recommendation, any city board or committee, including but not limited to Quasi-Judicial, Advisory Board, Trust, Authority, or Council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person that has employed or retained the services of a lobbyist.

2. Registration and Reporting Requirements.

All lobbyists shall, before engaging in lobbying activities, register with the City Clerk. Every person required to so register shall:

(a) Register on a form prepared by the City Clerk;

(b) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the City of North Miami Beach; all principals must file a form with the City Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal; and

(c) Pay the annual registration fee of \$250.00 for each lobbyist, plus an additional fee of \$125.00 for each principal represented for each issue lobbied on behalf of any principal. The Registration Fees required by 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. Unexpended funds shall be transferred to the City's general revenue at the end of each fiscal year. The City Council may in its discretion, waive the registration fee in demonstrated instances of financial hardship. 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.

Any change to any information originally filed shall require that he/she file an amendment to the registration forms. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

3. The Following persons shall be required to register but will be exempt from paying the registration fee:

(a) A person(s) appearing before the Council, 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 or a chamber of commerce.

(b) Any non-profit community based organization seeking grant services and/or grant funding from the City.

3 4. Exceptions to Registration.

The following shall not be required to register under this section:

(a) Any public official or city staff discussing matters relevant to their official duties;

(b) Any person (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;

(c) Any person who must appear or is requested to appear before the city council, city board, committee, or any member thereof, or the city manager or city staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person;

(d) Any person under contract with the City who communicates with any public official or city staff regarding issues related only to the performance of their services under contract;

(e) Any person who has been designated and is so recognized by the City as a representative of a collective bargaining unit composed of City employees; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bonafide news media; a person who merely appears before, the Mayor, City Council, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation;

~~(f) Any non-profit community based organization seeking grant services and/or grant funding from the City;~~

~~(g f)~~ Non-bid vendors making initial “sales” presentations to City administration.

4 5. Expenditures prohibited. Except as expressly allowed by state law, all non-nominal expenditures, as defined herein, are prohibited.

5 6. Reporting Requirements.

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 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 February 1st of each year. Such statement shall be rendered on the form provided by the city clerk’s office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no expenditures during the preceding calendar year.

The City Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection. These forms and filings shall be available through the City’s website.

6 7. Notification of Failure to Register.

Once the Office of the City Clerk has been notified of a failure to comply with registration requirements, he may administratively collect a \$100.00 late registration fee and register the lobbyist. If any further action is deemed necessary, as determined by the Mayor and Council, they may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a city board, a city committee, or members thereof, for a period not to exceed two (2) years. The City Clerk shall submit a report to the City Council as to those lobbyists who have failed to comply with the registration requirements and/or the annual filing requirements.

7 8. Lobbyists shall comply with all County, State, and Federal laws.

~~8. This ordinance and the rules and procedures established herein shall be reviewed by the City Council after being in effect for one year.~~

Section 2. All ordinances or parts of ordinances in conflict herein are hereby repealed.

Section 3. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

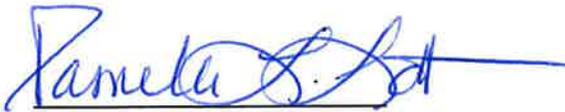
Section 4. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

Section 5. This Ordinance shall take effect on January 1, 2014.

APPROVED BY TITLE ONLY on this 19th day of November, 2013.

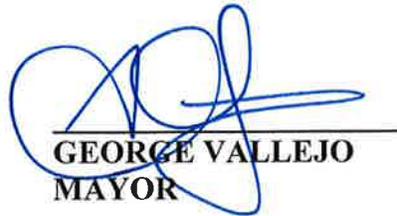
APPROVED AND ADOPTED on this 3rd day of December, 2013.

ATTEST:



**PAMELA L. LATIMORE
CITY CLERK**

(CITY SEAL)



**GEORGE VALLEJO
MAYOR**

APPROVED AS TO FORM



**DARCEE S. SIEGEL
CITY ATTORNEY**

Sponsored by: Mayor & Council