

**ORDINANCE NO. 2010- 04**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CREATE A NEW SECTION ENTITLED "REGISTRATION OF LOBBYISTS"; REQUIRING THE DISCLOSURE OF THE IDENTITY AND ACTIVITIES OF PERSONS WHO ENGAGE IN EFFORTS TO INFLUENCE COUNCIL-MEMBERS EITHER BY DIRECT COMMUNICATION TO SUCH OFFICIALS OR BY SOLICITATION OF OTHERS TO ENGAGE IN SUCH EFFORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYING REGISTRATION AND STATEMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town") determined and declares that open and responsible operation of municipal government requires that the fullest opportunity be afforded to the people to petition and freely express to their elected and appointed officials, their opinion on legislation and other actions and issues; and

**WHEREAS**, in order 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 efforts of supporting or opposing an item before the Town Council, be publicly and regularly disclosed; and

**WHEREAS**, the Town Council finds that the requirement of registering lobbyists is in the best interest of the general health, safety, and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

**Section 2:** That a Section entitled "Registration of Lobbyists", of the Code of Ordinances of the Town of Southwest Ranches, Florida is hereby created to read as follows:

## REGISTRATION OF LOBBYISTS.

### 1. DEFINITIONS.

- (a) "Candidate" means an individual who is conducting a campaign for elected office in the Town.
- (b) "Campaign" means the election process for any elected Town Official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the Town Clerk and ending with the last day of voting which finally determines the outcome of the election.
- (c) "Consideration" means something of actual value.
- (d) "Immediate family" means a spouse, "significant other", domestic partner, or a person who is related to a member of the Council, candidate to become a member of the Council as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, sister-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the member of the Council, candidate to become a member of the Council or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the member of the Council, candidate to become member of the Council or intends to form a household, or any other natural person having the same legal residence as the public officer or employee. For purposes of this Ordinance, "domestic partner" is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (d) "Legislation" means any Ordinance, Resolution, or proposal of any kind which is the subject of present or prospective action by the Town Council.
- (e) "Lobbying" means communicating directly or indirectly with any Town council-member or staff for the purpose of influencing legislation. Speaking at a public hearing or public meeting of the Town shall not constitute lobbying.

- (f) "Lobbyist" means a person who is employed or receives payment, or who contracts for consideration of any kind, for the purpose of lobbying, or a person who is principally employed for the purpose of influencing governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee for the principal is not a "lobbyist" unless the employee is principally employed for the purpose of influencing governmental affairs. "Principally employed for the purpose of influencing governmental affairs" means that one of the primary 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.

The following persons are excluded from the definition of "Lobbyist":

- i. Persons who are solely responding to the direct inquiry of a Town Official.
  - ii. Town Officials acting in the course of official Town business.
- (g) "Person" means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to Florida law.
- (h) "Registration" means providing the information required by this ordinance, in writing, annually, and in Supplements and Amendments, as may be required. "Register" means to provide a registration in such a manner.
- (i) "Town Official" means any current elected official or appointed member of the Town Council, Official Town Board or Committee, Town Staff, Town Attorney or any Town Employee.

## 2. REGISTRATION.

- (a) Prior to engaging in lobbying activities, every lobbyist shall register with the Town by filing with the Town Clerk the following information in writing:
- i. The name, address and telephone number of the lobbyist. The "address" must be a physical address (e.g. not a Post Office Box) where the lobbyist either resides or customarily does business.

- ii. The name, address and telephone number of who the lobbyist represents. The "address" must be a physical address (e.g. not a Post Office Box) where the lobbyist client either resides or customarily does business.
  - iii. The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
  - iv. The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediate family, or the lobbyist's client or principal, has had with any Town Official, or member of the immediate family of any Town Official within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration.
  - v. A listing of all campaign contributions to sitting Council Members in the past four (4) years as well as contributions of all immediate family, lobbyist's principal, the officers, directors, shareholders of the lobbyist if the lobbyist is a corporation, or partners if the lobbyist is a partnership, or members, whether general or limited, if the lobbyist is a limited liability company, or lobbyist's client, which shall be disclosed in accordance with the Town's Code of Ethics.
  - vii. Any gift, including meals, valued over \$25 given to any Town Official during the past four (4) years.
- (b) All lobbyists shall fully, completely, accurately, and not misleadingly register and not omit material information, and/or file misleading and/or deceitful information in the registration.
  - (c) There shall be a \$50 annual registration fee charged by the Town to any lobbyist required to register pursuant to this Ordinance. Only one annual registration fee and form is required. However, if any of the information required in the registration form is new or changed, then the Lobbyist must supplement or amend the registration before performing additional lobbying activities.
  - (d) The registration information, and any supplement or amendment information shall be filed in the Town Clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury.

- (e) Registration will be annual based upon the calendar year, and shall be renewed annually by the Lobbyist for each year during which the lobbying activities are to take place.
- (f) Notwithstanding any provision to the contrary in this Ordinance, no lobbyist shall be required to register if the lobbyist only speaks at a public meeting of the Town.

3. Penalties.

- (a) Once the Town Clerk has been notified of a failure to comply with registration requirements, the Town shall collect a \$100.00 late registration fee and register the lobbyist. Further, the failure to register shall be brought to the attention of the Town Council, who may set additional fines, reprimand, suspend, or prohibit the lobbyist from lobbying before the Town Council or members thereof, for a period not to exceed two (2) years.

**Section 3: Inclusion.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4.** The Town Clerk is hereby directed, if necessary, to record a copy of this Ordinance in the Public Records of Broward County, Florida.

**Section 5. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any word, phrase, clause, sentence 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.

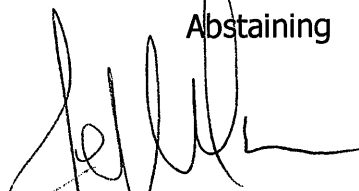
**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 17<sup>th</sup> day of December, 2009, on a motion made by Council Member Doug McKay and seconded by Vice Mayor Aster Knight.

**PASSED ON SECOND READING** this 21<sup>st</sup> day of January, 2010, on a motion made by Council Member Breitkreuz and seconded by Vice Mayor Knight.

Nelson	<u>    AYE    </u>
Knight	<u>    AYE    </u>
Breitkreuz	<u>    AYE    </u>
Fisikelli	<u>    AYE    </u>
McKay	<u>    AYE    </u>


Ayes	<u>    5    </u>
Nays	<u>    0    </u>
Absent	<u>    0    </u>
Abstaining	<u>    0    </u>



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Jeff Nelson, Mayor


Attest:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Gary A. Poliakoff, J.D., Town Attorney  
ACTIVE: 2725939\_1