

ORDINANCE 97- 19
REGISTRATION OF LOBBYISTS

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED ____; PROVIDING THAT LOBBYISTS FOR COMPENSATION WHO LOBBY ISSUES WHICH ARE OR MAY BE PENDING BEFORE THE COUNTY COMMISSION MUST REGISTER AND IDENTIFY THOSE WHO EMPLOY THEM; PROVIDING THAT LOBBYISTS WHO ARE REQUIRED TO REGISTER MUST ALSO FILE ANNUAL LOBBYING EXPENDITURE REPORTS; PROVIDING FOR OTHER MODIFICATION THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR VIOLATIONS AND PENALTIES, FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners and the public would be better served when Lobbyists who are compensated for lobbying issues pending before or to be presented to the County Commission are required to register and to identify those whose interests they represent and further are required to report on an annual basis the amount and nature of lobbying expenses paid.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

Section 1. DEFINITIONS:

COMPENSATION means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation is a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

EXPENDITURE means a payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal for the purpose of lobbying.

LOBBYING means meeting privately with a member of the Board of County Commissioners, for the purpose of encouraging the passage, defeat or modification of any item pending before the County Commission.

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LOBBYIST means a person who for compensation engages in lobbying as defined in this ordinance.

PRINCIPAL means the person, firm, corporation or other entity which has retained or employed a Lobbyist.

Section 2. REGISTRATION OF LOBBYISTS.

All Lobbyists shall register, at the time of the lobbying, on a registry of lobbyists maintained and available for public inspection in the Board Records section of the Board of County Commissioners' Clerk's office. 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 legislative interest, and the nature and extent of any direct business association or partnership with any current member of the Board. The Clerk shall provide forms on which the Lobbyists may supply the aforesaid information. In the event any lobbying meeting as defined herein occurs outside of county offices in Clearwater, the Lobbyist shall provide the above-required information to the Clerk of the Board within seven (7) calendar days of any such meeting.

Section 3. STATEMENT OF LOBBYING EXPENDITURES.

A Lobbyist shall annually on or before January 1st of each year submit to the Clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year, the sources of the funds, and an itemization as to the amount expended for each member of the Board of County Commissioners by each registered lobbyist. The statement shall be made on forms provided by the Clerk's office.

The Clerk of the Board of County Commissioners shall maintain the expenditure statements in a book or file which shall be open for public inspection. On January 1st of each year, the Clerk shall notify any registered Lobbyist who has failed to file the required report. Any Lobbyist who has further failed to file by February 1st, in addition to any other penalty provided for herein, shall not be permitted to reregister as a Lobbyist or to engage in any further lobbying activities.

Section 4. EXCEPTIONS.

- (a) The following persons shall not be required to register:
- (1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.
 - (2) A person who appears at the specific request or under compulsion of the Commission, Board or staff member.
 - (3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.
 - (4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the County Commission, any Board or staff member and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.
 - (5) Any person in contractual privity with the County who appears only in his or her official capacity.

(b) This ordinance shall not apply to discussion or negotiations on matters in litigation or in matters in anticipation of litigation.

Section 5. VIOLATIONS/PENALTIES.

(a) A first violation of the provisions of this article shall result in the issuance of a warning by the County Attorney's office. The penalties for any subsequent violations shall be as provided in Sections 1-8 of the County Code.

(b) The validity of any action or determination of the Commission, Board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

Section 6. SEVERABILITY.

If any section, subsection, sentencing clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding cannot be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 7. FILING OF ORDINANCE: EFFECTIVE DATE.

Pursuant to Section 125.66 Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective on July 1, 1997.

Section 8. CODIFICATION.

The provision of this ordinance shall be included and incorporated in the Pinellas County Code, as an addition thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

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Impact (DRI) #157. Chief Deputy Clerk C. R. Short reported that no letters have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis recommended that the Board determine that the proposed changes do not constitute a substantial deviation from the Development Order (DO) based on the data and analysis submitted by the developer to rebut the presumption; and further recommended that the Board adopt two resolutions amending the approved DO.

No one appeared in response to Chairman Stewart's call for persons wishing to be heard.

Thereupon, Commissioner Seibert moved, seconded by Commissioner Parks, that the recommendations of the County Administrator be approved; and that Resolutions Nos. 97-95 and 97-96 be adopted as recommended. Upon roll call, the vote was:

Ayes: Stewart, Todd, Parks, Seibert and Harris.

Nays: None.

Absent and not voting: None.

#53 ORDINANCE NO. 97-19 ADOPTED RELATING TO THE REGISTRATION OF LOBBYISTS

Pursuant to legal notice published in the March 28, 1997 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held re a proposed ordinance relating to the registration of lobbyists. Chief Deputy Clerk C. R. Short reported that no letters have been received; and that the matter is properly before the Board to be heard.

County Attorney Susan H. Churuti reviewed the proposed ordinance and advised that pursuant to the Board's request, the ordinance had been advertised to allow for modifications considered at the hearing this date; that

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Section 1 provides for the definition of a lobbyist and activities which are considered lobbying; that Section 2 pertains to registration requirements, and a draft registration form has been included for the Board's review; that Section 3 requires lobbyists to file a statement of lobbying expenditures and provides for penalties for failure to file; that Section 4 provides for exceptions to the ordinance, which include government employees, individuals who appear at the Board's request or at a public hearing, expert witnesses, persons in contractual privity with the County, and matters in litigation; and that Section 5 contains a standard penalty provision.

Upon queries by Chairman Stewart, Attorney Churuti explained that telephone calls and written communications are exempt from the ordinance; that compensation is defined as a fee, salary, retainer, forbearance, forgiveness or any combination thereof; that lobbying activities which may occur at a chance meeting would be subject to the provisions of the ordinance and it is the responsibility of the lobbyist to terminate such conversation; that the Commissioners have no legal responsibility to ensure that lobbyists comply with the registration requirements; that the exemption for government employees includes elected officials and applies only to lobbying in connection with their job responsibilities; that a first violation of nonregistration would result in the issuance of a warning by the County Attorney's Office; and that penalties will be set by the Chief Judge as part of the Uniform Fine Schedule pursuant to the local ordinance provision in the County Code.

Chairman Stewart commented that with respect to public perception issues, he concurs with the concept of the ordinance for disclosure purposes; however, there is also the perception that government is a bureaucratic entity with unenforceable required procedures; and that he is concerned the ordinance "may be creating something that we can't control or monitor or enforce."

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Commissioner Harris said that the Commissioners may wish to ask their visitors if they are lobbyists and whether or not they are registered; and that a sign-in sheet could be placed in the reception area for visitors to record their names and who they are meeting with in order to provide a list which can be checked to determine whether a visitor identified as a lobbyist is registered.

Commissioner Parks suggested that a sign be displayed in the reception area describing the requirements for lobbyists; that letters be sent to known lobbyists to notify them of the new procedures; and that the ordinance be amended as follows:

1. Section 7 - Change effective date to July 1, 1997 to provide sufficient time to notify persons who may be affected by the ordinance.
2. Section 4.(a) - Add the words "elected officials" to the government employee exemption for clarification purposes.

Thereupon, Commissioner Parks moved, seconded by Commissioner Harris, that the ordinance entitled as follows be adopted, with the aforementioned amendments:

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COUNTY COMMISSION MUST REGISTER AND IDENTIFY THOSE WHO EMPLOY THEM; PROVIDING THAT LOBBYISTS WHO ARE REQUIRED TO REGISTER MUST ALSO FILE ANNUAL LOBBYING EXPENDITURE REPORTS; PROVIDING FOR OTHER MODIFICATION THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR VIOLATIONS AND PENALTIES, FOR SEVERABILITY AND AN EFFECTIVE DATE.

Commissioner Seibert stated that he supports the motion inasmuch as he believes the disclosure provided in the ordinance promotes public trust in government; and that he encourages the establishment of a sign-in sheet as suggested by Commissioner Harris.

In response to query by Commissioner Todd, Attorney Churuti explained that Section 3 of the ordinance requires lobbyists to submit a statement listing all expenditures for the preceding year, the sources of funds, and an itemization of money expended for each Board member in connection with lobbying activities.

Following discussion and upon roll call, the vote was:

Ayes: Stewart, Todd, Parks, Seibert and Harris.

Nays: None.

Absent and not voting: None.