ORDINANCE NO. 92-40

AN ORDINANCE OF THE CITY OF MIRAMAR, FLORIDA; AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIRAMAR BY ADDING ARTICLE IX; ENACTING REGULATIONS GOVERNING LOBBYING ACTIVITIES IN THE CITY; PROVIDING DEFINITIONS; REQUIRING REGISTRATION OF LOBBYISTS; PROVIDING FOR REGISTRATION FORMS; REQUIRING FILING AND DISCLOSURE OF ANNUAL EXPENDITURES; PRESCRIBING PENALTIES FOR VIOLATION; PROVIDING A LOBBYIST REGISTRATION FEE; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to require lobbyists to register with the City and to disclose publicly their lobbying activities within the City; and

WHEREAS, numerous municipalities throughout the State have recently enacted lobbyist registration and disclosure regulations; and

WHEREAS, the City Commission finds that such regulation of lobbyists will assist in promoting and maintaining the integrity of municipal government; and

WHEREAS, the City Commission finds that such regulation of lobbyists will protect and serve the best interests of the citizens of Miramar;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1. That the Code of the City of Miramar, Florida is hereby amended by adding an Article in Chapter 2 to be numbered Article IX, said Article shall read as follows:

Article IX
Lobbying

Sec. 1. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include future tense, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(A) "Agency" means the City of Miramar including all elected and appointed officials, employees and Persons acting on behalf of the Agency.

(B) "Lobbyist" means any Person who, for compensation, seeks to influence the governmental decision making of the Agency or seeks to encourage the passage, defeat or modification of any ordinance, resolution, contract, bid award, proposal, recommendation, action or decision of the Agency.

(C) Lobbyist does not mean:

i. a city employee when acting in his official capacity.

ii. any person who appears before the City Commission, City Board or committee, or the City Manager or staff 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.

(D) "Person" includes individuals, firms, associations, joint ventures, general and limited partnerships, estates, trusts, business trusts, syndicates,

fiduciaries, corporations, and all other groups or combinations.

Sec. 2. Registration of Lobbyist.

Commencing fifteen (15) days after the effective date of this ordinance and continuing thereafter, all Lobbyists shall, before engaging in any lobbying activities, register with the City Clerk.

Sec. 3. Registration Forms.

Every Person required to register as a Lobbyist shall do so on forms prepared by the City Clerk and shall state under oath his or her name, business address, the name and business address of each Person which has employed said registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.

Sec. 4. Filing and Disclosure of Annual Expenditures.

Commencing on January 1, 1993 and on January 1 of each year thereafter, all Lobbyists registered pursuant to this ordinance shall submit to the City Clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the Lobbyist files a notice of withdrawal of lobbying activities with the City Clerk.

Sec. 5. Penalties for Violation; Cumulative in Nature.

A. Whenever a violation of this Ordinance exists , the City Commission may publicly reprimand, censure, and/or prohibit such Lobbyist from lobbying before the Agency for a period of up to but not to exceed two (2) years.

B. The penalties provided herein are cumulative in nature. Nothing contained in this Ordinance shall prevent the Agency from pursuing any other remedies available to the Agency under the Agency's Code and/or Florida law for the enforcement of its ordinances.

Sec. 6. Public Records.

All registration forms and annual disclosure statements required by this Ordinance shall be public records

subject to inspection and examination as provided for in section 119.07 of the Florida Statutes.

Sec. 7. Lobbyist Registration Fee.

A annual Lobbyist Registration Fee in the amount of $100 for each Lobbyist shall be paid to the City Clerk at the time the Lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this Ordinance.

Section 2. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or is otherwise held invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3. Inclusion in the Code.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "section" or other appropriate word.

Section 4. Effective Date.

This Ordinance shall be effective immediately upon passage by the City Commission on second reading.

PASSED AND ADOPTED on first reading this 15 day of July, 1992.

PASSED AND ADOPTED on second reading this 5 day of August, 1992.

VICKI COCEANO, MAYOR

NICHOLAS A. SACCO, SR.
VICE MAYOR

ATTEST:

BETTY TARNO, CITY CLERK

Requested by Administration

	Voted
Comm. Marjorie J. Conlan	Yes
Comm. Daniel Lewis	Yes
Vice Mayor Nicholas A. Sacco, Sr.	Yes
Comm. Fred H. Schaefer	Yes
Mayor Vicki Coceano	Yes

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

RICHARD JAY WEISS, CITY ATTORNEY