NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Jeff P. H. Cazeau, City Attorney

Date: August 23, 2016

RE: Proposed Ordinance Revising the City Lobbyist Registration Procedures

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AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", BY REPEALING AND REPLACING ARTICLE VI, ENTITLED "CODE OF ETHICS', DIVISION 3, ENTITLED "LOBBYING", SPECIFICALLY SECTION 2-401, ENTITLED "REGISTRATION"; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

It is recommended that the City Council adopt the proposed ordinance which amends and revises the City's lobbying ordinance by specifically providing for an annual registration fee be due October 1st of each year and eliminating the previous requirement that lobbyists register by January 1st on a biennial basis.

BACKGROUND

The City's current Lobbyist ordinance requires lobbyists to register prior to January 1st of every even numbered year and the fee for biennial registration shall be two hundred fifty dollars ($250.00). This language has caused some confusion as to when lobbyists must register. It also causes some confusion because the payments do not coincide with the City's fiscal year. Accordingly, this ordinance simplifies things by requiring lobbyists to register every fiscal year. The Council also has the option to increase or decrease the registration amount and/or add additional fees for registrations for each specific issue. Graphs are provided for comparison which show the fees charged by other municipalities.

Attachments

Proposed Ordinance.
Graph A: Fees organized alphabetically by municipality
Graph B: Fees organized by population size of each municipality
Graph C: Fees organized by amount of annual fee

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", BY REPEALING AND REPLACING ARTICLE VI, ENTITLED "CODE OF ETHICS", DIVISION 3, ENTITLED "LOBBYING", SPECIFICALLY SECTION 2-401, ENTITLED "REGISTRATION"; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, on November 12, 2013, the Mayor and City Council adopted Ordinance No. 1360 amending the City's Lobbying Ordinance; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City to repeal and replace Section 2-401 of the City's Lobbying Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Repeal and Replacement of Chapter 2, Article VI, Section 2-401. The Mayor and City Council of the City of North Miami, Florida, hereby repeal and replace Chapter 2, entitled "Administration", by repealing and replacing Article VI, entitled "Code of Ethics", Division 3, entitled "Lobbying", specifically Section 2-401, entitled "Registration" of the North Miami Code of Ordinances, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES

CHAPTER 2. ADMINISTRATION

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ARTICLE VI. CODE OF ETHICS

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DIVISION 3. LOBBYING

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~~Sec. 2-401. - Registration.~~

~~All lobbyists shall register with the city clerk within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:~~

~~(1) Register on forms prepared by the city clerk;~~

~~(2) Pay a registration fee of two hundred fifty dollars ($250.00); and~~

~~(3) State under oath the name and business address of each person or entity which has employed the registrant to lobby, the councilmember or personnel sought to be lobbied and the specific issue on which the lobbyist has been retained to lobby. Any change to any information originally filed, or any additional city councilmember or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment(s). The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. if the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Separate registration shall be required for each principal represented on each specific issue. Each issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, request for proposal, or public hearing number. The city clerk shall reject any registration statement which does not provide a description of the specific issue on which the lobbyist has been sought to lobby. Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. In addition to the registration fee required above, registration of all lobbyists shall be required prior to January 1st of every even numbered year and the fee for biennial registration shall be two hundred fifty dollars ($250.00). Initially, all lobbyists shall register on or before December 31, 1999. In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, or professional relationship, or other relationship which gives rise to an appearance of an impropriety, with any current city councilmember or personnel defined above who is sought to be lobbied as identified on the lobbyist registration form filed. The registration fees required by this subsection shall be deposited by the city clerk into the general fund of the city. There shall be no fee required for filing a notice of withdrawal and the city clerk shall waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant.~~

Sec. 2-401. - Registration.

(a) All lobbyists shall register with the city clerk within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall register on forms prepared by the city clerk; shall pay an annual registration fee of two hundred fifty dollars ($250.00) and state under oath:

(1) His or her name;

(2) His or her business address;

(3) The name and business address of each person or entity which has employed the registrant to lobby;

(4) The councilmember or personnel sought to be lobbied; and

(5) The specific issue on which the lobbyist has been retained to lobby.

(b) Any change to any information originally filed, or any additional city councilmember or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment(s).

(c) The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(d) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust.

(e) Separate registration shall be required for each principal represented on each specific issue. Each issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, a request for proposal, or a public hearing number.

(f) The city clerk shall reject any registration statement which does not provide a description of the specific issue on which the lobbyist has been sought to lobby and/or the required payment of fee.

(g) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. There shall be no fee required for filing a notice of withdrawal.

(h) All lobbyists shall be required to register prior to October 1st of each year. In the event registration occurs after October 1st, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30th of each year.

(i) In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, or professional relationship, or other relationship which gives rise to an appearance of an impropriety, with any current city councilmember or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

(j) The registration fees required by this subsection shall be deposited by the city clerk into the general fund of the city.

(k) The city clerk may waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant.

(l) All lobbyists shall be in compliance with the applicable parts of Florida Statutes Section 112.3148

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami 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, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2016.

_____
DR. SMITH JOSEPH
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: _____

Sponsored by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)_____ (No)
Vice Mayor Alix Desulme	_____ (Yes)_____ (No)
Councilman Scott Galvin	_____ (Yes)_____ (No)
Councilman Carol Keys, Esq.	_____ (Yes)_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

GRAPH A: Fees organized alphabetically by municipality

CITY	ANNUAL FEE	ADD'L FEE FOR EACH PRINCIPAL	POPULATION (2010 CENSUS)
Aventura	$200	$100	35,762
Bal Harbour	$100	$200	2,513
Coral Gables	$150		46,780
Cutler Bay	$250		40,286
Doral	$400		45,704
Hialeah	$0		224,669
Hialeah Gardens	$25		21,744
Homestead	$200	$100	60,512
Key Biscayne	$100	$200	12,344
Medley	$150	$50	838
Miami	$525	$105	399,457
Miami Beach	$500	$350	87,779
Miami Gardens	$250		107,167
Miami Lakes	$125	$500	29,361
Miami Shores	$125	$75	10,493
Miami Springs	$400		13,809
North Bay Village	$125	$300	7,137
North Miami	$250		58,786
North Miami Beach	$250	$125	41,523
Opa-locka	$300		15,219
Pincrest	$100	$200	18,223
South Miami	$500	$100	11,657
Sunny Isles Beach	$250		20,832
Surfside	$250	$100	5,744
Sweetwater	$250		13,499

GRAPH B: Fees organized by population size of each municipality

CITY	ANNUAL FEE	ADD'L FEE FOR EACH PRINCIPAL	POPULATION (2010 CENSUS)
Miami	$525	$105	399,457
Hialeah	$0		224,669
Miami Gardens	$250		107,167
Miami Beach	$500	$350	87,779
Homestead	$200	$100	60,512
North Miami	$250		58,786
Coral Gables	$150		46,780
Doral	$400		45,704
North Miami Beach	$250	$125	41,523
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Pincrest	$100	$200	18,223
Opa-locka	$300		15,219
Miami Springs	$400		13,809
Sweetwater	$250		13,499
Key Biscayne	$100	$200	12,344
South Miami	$500	$100	11,657
Miami Shores	$125	$75	10,493
North Bay Village	$125	$300	7,137
Surfside	$250	$100	5,744
Bal Harbour	$100	$200	2,513
Medley	$150	$50	838

GRAPH C: Fees organized by amount of annual fee

CITY	ANNUAL FEE	ADD'L FEE FOR EACH PRINCIPAL	POPULATION (2010 CENSUS)
Hialeah	$0		224,669
Hialeah Gardens	$25		21,744
Pincrest	$100	$200	18,223
Key Biscayne	$100	$200	12,344
Bal Harbour	$100	$200	2,513
Miami Lakes	$125	$500	29,361
Miami Shores	$125	$75	10,493
North Bay Village	$125	$300	7,137
Coral Gables	$150		46,780
Medley	$150	$50	838
Homestead	$200	$100	60,512
Aventura	$200	$100	35,762
Miami Gardens	$250		107,167
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North Miami Beach	$250	$125	41,523
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Surfside	$250	$100	5,744
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