

## ARTICLE VIII. LOBBYIST REGISTRATION

### Sec. 2-351. Title and purpose.

(a) This article may be cited as the "Palm Beach County Lobbyist Registration Ordinance."

(b) The board of county commissioners of the county hereby determines that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence county commissioners, advisory board members, and employees on matters within their official duties, be publicly and regularly disclosed.

(Ord. No. 03-018, § 1, 5-20-03)

### Sec. 2-352. Definitions.

Unless expressly provided herein to the contrary, for purposes of this article, the following definitions will apply:

*Advisory board* will mean any advisory or quasi-judicial board created by the board of county commissioners.

*Board* will mean the board of county commissioners of Palm Beach County, Florida.

*County commissioner* will mean any member of the board of county commissioners of Palm Beach County, Florida.

*Employee* will mean all personnel employed by the board of county commissioners.

*Lobbying* shall mean seeking to influence the decision of any county commissioner, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board or board of county commissioners as applicable.

*Lobbyist* shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal or most significant responsibilities to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include any employee as defined by this article when acting in the course of his or her employment, any elected local official when the official is lobbying on behalf of the governmental agency which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

*Person* shall mean individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations (profit or not-for-profit), professional corporations, or associations, and all other groups or combinations however constituted.

*Principal* shall mean the person or entity a lobbyist represents for the purpose of lobbying.

(Ord. No. 03-018, § 2, 5-20-03; Ord. No. 03-055, Pt. I, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09)

**Sec. 2-353. Registration and expenditures.**

(a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration. A separate registration is required for each principal represented. A registration fee of twenty-five dollars (\$25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited.

(b) *Registration form.* The registration form shall be prepared by county administration and shall require the following information: 1) the name and address of the lobbyist; 2) the name and address of the principal represented; 3) the date the lobbyist was initially retained by the principal; 4) the nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, advisory board member, or employee; 5) the area of legislative interest; and 6) a statement confirming that the registrant is authorized to represent the principal. The form shall be signed by the registrant and the principal.

(c) *Registration exceptions.* Registration shall not be required for the following:

(1) County commissioners, advisory board members or employees discussing matters relevant to their official duties;

(2) Persons under contract with the county who communicate with county commissioners, advisory board members or employees regarding issues related only to the performance of their services under their contract;

(3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation; or

(4) Any person who appears before the board or advisory board in a quasi-judicial proceeding.

(d) *Reporting of expenditures.* Commencing October 1, 2011, and on October 1 of each year thereafter, the lobbyist shall submit to county administration a signed statement under oath listing all expenditures made by the lobbyist in lobbying county officials and employees in excess of twenty-five dollars (\$25.00) for the preceding year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events.

(1) The county administrator shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.

(e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, advisory board members, or employees.

(Ord. No. 03-018, § 3, 5-20-03; Ord. No. 03-055, Pt. II, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09)

**Sec. 2-354. Record of lobbying contacts.**

(a) *Contact log.* Except when appearing before the board or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county government. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be transmitted to the county administrator at the end of each calendar quarter.

(b) *Lobbying outside of county offices.* In the event that a lobbyist engages in lobbying which is outside of county offices, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise the commissioner's office or employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 03-018, § 4, 5-20-03)

**Sec. 2-355. Cone of silence.**

(a) *Cone of silence* means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

(1) Any person or person's representative seeking an award from such competitive solicitation; and

(2) Any county commissioner or commissioner's staff, or any employee authorized to act on behalf of the commission to award a particular contract.

(b) For the purposes of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

(c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence shall remain in effect and subject to the terms of this section for any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and such response is either rejected by the county or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this article.

(d) The provisions of this article shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the board, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, county commissioner, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

(e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the county purchasing ordinance (County Code, chapter 2, article III, division 2, part A, section 2-51 et seq.).

(f) The cone of silence shall terminate at the time the board, or a county department authorized to act on behalf of the board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

(g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 03-018, § 5, 5-20-03; Ord. No. 03-055, Pt. 3, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09)

**Sec. 2-356. Enforcement.**

(a) If the county administrator is informed of any person who has failed to comply with the requirements of this article, he or she shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the county administrator determines that a violation may have occurred based on the results of the investigation, the county administrator shall forward the matter to the county commission on ethics for further investigation and enforcement proceeding as set forth in article XIII of this chapter, the county code of ethics.

(b) A notice of violation shall be transmitted to the person indicating the nature of the violation and the penalty imposed. The lobbyist shall have up to thirty (30) days after the date of the notice to seek appeal of the penalty. In the event the lobbyist fails to submit an appeal in writing to the county administrator within thirty (30) days of the date of such notice, the violation shall be deemed final, and the penalty imposed shall be effective immediately.

(Ord. No. 03-018, § 6, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09)

**Sec. 2-357. Penalties.**

Violations of this article shall be punishable as follows:

(1) Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars (\$2,500.00).

(2) Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.

(3) Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.

(4) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation.

(5) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.

(6) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this article. Willful violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a second degree misdemeanor pursuant to Florida Statutes, § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county may pursue, including injunctive relief.

(Ord. No. 03-018, § 7, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09)  
Secs. 2-358--2-370. Reserved.