

ARTICLE I.5. LOBBYING

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Sec. 2-10. Title; intent and purpose.

- (a) This article shall be known and may be cited as the "City of Sunrise Lobbying Registration Act."
- (b) *Purpose and intent.* The City of Sunrise believes that it is desirable to preserve and maintain the integrity of the governmental decision-making process. As such, the city believes that it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city commissioners on matters within their official jurisdictions, either by direct communication to such commissioners or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-11. Definitions.

As used in this article, unless the context otherwise indicates:

- (a) *Commission* means the City Commission of the City of Sunrise, Florida.
- (b) *Elected official* means any member of the City Commission of the City of Sunrise.
- (c) *Expenditure* means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.
- (d) *Lobbying or lobbying activities* means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:
 - (1) Made on the record at a duly-noticed public meeting or hearing; or
 - (2) From an attorney to an attorney representing the City of Sunrise regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Sunrise.
- (e) *Person* means any individual, business, corporation, association, firm, partnership, organization, group, or other entity, whether operated for profit or not for profit.
- (f) *Lobbyist* means a person who is retained, with or without compensation, for the purpose of lobbying; or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
 - (1) An elected official, employee, or appointee of the City of Sunrise, Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;

- (3) An employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (g) *Employer* means any person providing or agreeing to provide compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.
- (h) *Compensation* means paying or agreeing to pay or give, directly or indirectly, any money, anything of value, or reimbursement of expenses (in whole or in part), in consideration for the performance of lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-12. Lobbying registration, statements, and fees.

- (a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall file with the city clerk, on a form prescribed by the city clerk, an annual lobbyist registration form statement under oath containing the following information:
 - (1) The lobbyist's full name, business name, business address, and nature of business;
 - (2) The full name and business address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement;
 - (3) The general and specific subject matters which the lobbyist seeks to influence;
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Sunrise. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation;
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter;
 - (6) The lobbyist shall pay to the city any registration fee required for an annual or amended registration statement. The city commission may determine and amend the registration fee by resolution. A lobbyist who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.
- (b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.
- (c) Registration statements are effective from October 1 of a given year through September 30 of the following year. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.
- (d) *Annual expenditures report disclosure statement required.* On or before October 15 of each year, each lobbyist shall submit to the city clerk, in form prescribed by the city clerk, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from October 1 of the prior

year through September 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include the lobbyist's personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

- (e) Upon verification of a lobbyist's failure to file the expenditures report, the city clerk shall notify the lobbyist by certified mail that the expenditures report must be filed within five (5) business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he or she shall submit the outstanding annual expenditures report, a new registration form, and payment for any outstanding fines accrued prior to re-registration.
- (f) *Penalties for violations.* Penalties may be determined by the city commission after it issues written notice to any violator and provides said violator with thirty (30) days to request a public hearing.
 - (1) The following penalties are established and may be considered by the city commission in enforcement of this article through prosecution of violations pursuant to the City Code.
 - a. Public reprimand or censure;
 - b. Debarment for a period not to exceed two (2) years;
 - c. Authorize a civil action in a court of competent jurisdiction, including an action for injunctive relief;
 - d. Any lobbyist who fails to file the expenditures report by the respective deadlines of October 15 of any year for each fiscal year shall be subject to a daily fine of twenty-five dollars (\$25.00) for each late day up to a maximum of one thousand five hundred dollars (\$1,500.00) per late report.
 - (2) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this article.
 - (3) In any action filed by the city to enforce this ordinance, the city shall be entitled to recover reasonable attorney's fees and costs.
- (g) *List of current lobbyists.* The city clerk shall keep a current list of registered lobbyists and their respective statements, all of which shall be open for public inspection.
- (h) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-13. Contingency fees; disclosure; penalties.

- (a) "*Contingency fee*" means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the commission.
- (b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to [section 2-12](#)
- (c) A failure to comply with this section may result in the penalties provided in [section 2-12](#) or any other penalties provided by law.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-14. Registration of contacts.

All lobbyists shall legibly complete, at each time of meeting or communication with an elected official at the elected official's offices or elsewhere on city premises, a contact log maintained and available in the office reception areas of the city commissioners' office. The information on the contact log shall include the lobbyist's name, the name of the entity by which the lobbyist is employed; the name of each elected official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting. The contact log shall be completed contemporaneously with the meeting or communication and shall be filed for public inspection.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-15. Reserved.