

**LEE COUNTY ORDINANCE NO. 03-14**

**AN ORDINANCE RELATING TO LOBBYING ACTIVITIES AND LOBBYIST REPORTING IN LEE COUNTY; REPEALING ORDINANCE NOS. 89-40 AND 90-07; PROVIDING FOR DEFINITIONS; PROVIDING FOR RECORD-KEEPING RESPONSIBILITIES; ANNUAL REGISTRATION OF PAID LOBBYISTS; EXEMPTIONS; QUARTERLY LOBBYING STATEMENTS; CLERK TO MAINTAIN REGISTRATION, LOBBY LOGS AND LOBBYING STATEMENTS; PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES; PENALTIES; ENFORCEMENT; SEVERABILITY; AND EFFECTIVE DATE.**

**SECTION ONE                      REPEALER**

Lee County Ordinance Nos. 89-40 and 90-07 are hereby repealed in their entirety.

**SECTION TWO                      DEFINITIONS**

A.     “Lobbying” means communications outside of a duly noticed public meeting or hearing on the record, whether written or oral by a lobbyist, with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the Board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any Decision-Making Body under the jurisdiction of the Board, or which may be presented for consideration by a county employee as a recommendation to the Board or decision-making body.

B.     “Lobbyist” means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this ordinance.

C. "Paid Lobbyist" means a person, firm, corporation or other legal entity who is employed and receives payment, or who contracts for economic consideration in any form for the purpose of lobbying, or a person who is principally employed for, or whose substantial duties pertain to governmental affairs communications for another person or governmental entity to lobby on behalf of that other person or governmental entity and engages in the activity of lobbying as defined in this Ordinance.

D. "Immediate Family" shall mean the lineal descendants, antecedent and the collateral kin of both the individual involved and the spouse of any such person.

E. "Principal" means the person, firm, corporation, or other legal entity which has arranged for a lobbyist to engage in lobbying.

F. "Employee" means:

- (1) County Manager, Deputy County Manager, Assistant County Managers, and Public Works Director;
- (2) County Attorney, Deputy County Attorney, Chief Assistant County Attorneys, and Assistant County Attorneys;
- (3) Executive Director of the Port Authority;
- (4) Department Directors or Interim Department Directors, Department Deputy or Interim Deputy Director, Division Directors or Interim Division Directors, Division Deputy Directors, or Interim Division Deputy Directors, to also include the Manager of Public Resources, Veteran Services, Risk Program, and Equal Opportunity Office.
- (5) All employees within the Purchasing Division and Contracts Office with the exception of the secretarial staff.

G. "Decision-Making Body" means any body established by the Board of County Commissioners which is subject to its jurisdiction.

**SECTION THREE**                    **RECORD-KEEPING RESPONSIBILITIES**

County Commissioners and employees as specified in Section Two (E), who make regulatory decisions or recommendations to the Board of County Commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County Commissioners nor County employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.

County Commissioners shall deliver their logs to the Clerk of Court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in Section Two (E) must deliver their logs to the Clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.

Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section.

All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

**SECTION FOUR**                    **ANNUAL REGISTRATION OF PAID LOBBYISTS**

All paid lobbyists as defined herein, shall register with the Clerk of the Board of County Commissioners on an annual basis. Every unregistered, paid lobbyist shall register prior to the first occasion such unregistered, paid lobbyist engages in the activity of lobbying as defined in this ordinance. Every person, firm or other entity required to register as a paid lobbyist shall register on forms prepared by the Clerk's Office. The paid lobbyist shall state under oath their 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, a county employee, or person sitting on a decision-making body that is created by Florida Law, and under the jurisdiction of the Board of County Commissioners.* Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this ordinance.

**SECTION FIVE**                    **EXEMPTIONS**

The following persons are not lobbyists as defined in Section Two (Paragraphs B and C), *and shall not be required to register as paid lobbyists or keep records as paid lobbyists:*

- (A) Lee County employees discussing government business;
- (B) Law enforcement personnel conducting an investigation;
- (C) Persons when they communicate with Board members or employees in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement;
- (D) Persons when they appear at public meetings or hearings and communicate on the record;
- (E) Consultants under contract with Lee County who communicate with Commissioners or employees regarding issues related to the scope of services in their contract;
- (F) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are a government employee principally employed for, or whose substantial duties pertain to governmental affairs lobbying;
- (G) Persons who make purely informational requests to a Board member, Advisory Board member or Employee with no intent to affect a decision or recommendation on any item; and
- (H) Persons or representatives of organizations contacted by a Board member, Advisory Board member or Employee when the contact is initiated by that Board member, Advisory Board Member or Employee in their official capacity in the normal course of their duties to obtain factual information.

**SECTION SIX**                      **VALIDITY OF ACTION**

The validity of any decision, action or determination made by the Commission, Advisory Board or Staff shall not be affected by the failure of any person to comply with the provisions of this Ordinance.

**SECTION SEVEN**                      **QUARTERLY PAID LOBBYIST STATEMENT**

Each Quarter, all paid lobbyists shall submit to the Clerk's Office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the Board of County Commissioners, a county employee or any other person on a Decision-Making Body under the jurisdiction of the Board of County Commissioners. The statement shall be rendered on forms as provided by the Clerk's Office.

**SECTION EIGHT**                      **MAINTAINING REGISTRATIONS AND LOBBYING STATEMENTS**

The Clerk of the Board of County Commissioners shall accept and maintain the Paid Lobbyist Registrations, Quarterly Paid Lobbying Statements and Lobbying Logs, which shall be open for public inspection.

**SECTION NINE**                      **PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES**

No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in Section Two (E), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

**SECTION TEN**

**PENALTIES**

The penalties for an intentional violation of this ordinance are those as specified in Section 125.69(1), Florida Statutes, as it may be amended or re-numbered from time to time.

**SECTION ELEVEN**

**SEVERABILITY**

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

**SECTION TWELVE**

**EFFECTIVE DATE**

This Ordinance will become effective immediately upon receipt of official acknowledgment of the Office of Secretary of State of Florida that this Ordinance has been filed with said office.

The foregoing Ordinance was offered by Commissioner Coy, who moved its adoption. The motion was seconded by Commissioner St. Cerny and being put to a vote, the vote was as follows:

BOB JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 24th day of June, 2003.

ATTEST: CHARLIE GREEN  
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Michele A Cooper  
Deputy Clerk

By: Ray Judas  
Chairman

APPROVED AS TO FORM:



By: James H. Gaeger  
Office of the County Attorney





STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

GLEND A. HOOD  
Secretary of State

July 3, 2003

Honorable Charlie Green  
Clerk of Circuit Court  
Lee County  
Post Office Box 2469  
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 30, 2003 and certified copies of Lee County Ordinance Nos. 03-14 through 03-16, which were filed in this office on July 1, 2003.

Sincerely,

A handwritten signature in black ink that reads "Sarah Jane Bradshaw".

Sarah Jane Bradshaw  
Assistant Director

SJB/mp

2003 JUL - 7 AM 10: 26

RECEIVED  
DIVISION OF ELECTIONS