



## Office of the Clerk

### LOBBYIST REGISTRATION

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#### I. Lobbyist Information

Lobbyist Name: \_\_\_\_\_  
Last First MI

Mailing Address: \_\_\_\_\_  
City State Zip

Business Phone: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
E-mail: \_\_\_\_\_

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#### II. Principal Information

Name, address and phone number of Principal: (i.e., Person, Business entity, governmental entity, religious organization, non-profit corporation, or association whose interest you represent or by whom you are employed)

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City State Zip Code

Phone Number: \_\_\_\_\_

Other Principals or Interests holding directly or indirectly a 5% or more ownership interest. (Pursuant to Section 2-11.1 (s) of the Code)

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#### III. Legislative Issue Information

Brief description of issue and specify any city departments, offices, agencies, boards, committees or task forces in which you lobby:

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*THE CLERK SHALL REJECT ANY STATEMENT WHICH DOES NOT DETAIL THE ISSUE ON WHICH THE LOBBYIST HAS BEEN EMPLOYED.*

#### IV. Fees

Any person who only appears as a representative for a non-profit organization (such as a charitable, neighborhood or civic organization) shall be required to register, but shall not be required to pay any registration fees.

\*\* Pursuant to Section 2-11.1 (q) of the Code, have you been employed by the City in the last two years? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, state position you held below.  
In addition, you may be barred from lobbying your former city for a period up to two years.

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\*\* Pursuant to Section 2-11.1 (s) of the Code, a lobbyist shall state the extent of any business or professional relationship with any member(s) of the City Council/Commission. (Please state below)

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\*\* Pursuant to Section 2-11.1 (s) of the Code, any person who registers as a lobbyist shall file an expenditure report listing all expenditures, by category, by principal and in excess of \$25.00. A statement shall be filed even if there have been no expenditures during the reporting period. The expenditure report is due July 1<sup>st</sup>.

**OATH**

**"I DO SOLE SWEAR THAT ALL OF THE FOREGOING FACTS ARE TRUE AND CORRECT AND I HAVE READ OR AM FAMILIAR WITH PROVISIONS CONTAINED IN SECTION 2-11.1 OF THE MIAMI-DADE COUNTY CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE, INCLUDING WITHDRAWAL AND REPORTING REQUIREMENTS."**

**Signature of Lobbyist:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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Should you have any additional questions regarding the registration and reporting requirements you may call the Miami-Dade County Commission on Ethics and Public Trust at (305) 579-2594. Questions concerning fees and legislative issue information should be directed to the City Clerk.



**CITY OF SWEETWATER  
LOBBYIST EXPENDITURE REPORT  
CALENDAR YEAR \_\_\_\_\_**

Chapter 2, Article XI Code of Sweetwater, Florida

*Please Type or Print in Ink*

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Lobbyist Name (Please type or print clearly.)

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Principal Name or Company Name (Please type or print clearly.)

<b>CATEGORIES OF EXPENDITURES</b>	
Food & Beverage	
Entertainment	
Research	
Communications	
Media / Advertising	
Publications	
Travel	
Lodging	
Special Events	
Other	

## OATH

I do solemnly swear that all facts contained on this Lobbyist Expenditure Report form are true and correct; and that I have read and am familiar with the provisions contained in Chapter 2, Article XI Code of Sweetwater, Florida.

\_\_\_\_\_  
Signature of Lobbyist

\_\_\_\_\_  
Date

**For Office Use Only:**

Data Entry Date \_\_\_\_\_, 20\_\_\_\_, Entered By \_\_\_\_\_



## CITY OF SWEETWATER LOBBYIST ACTIVITY AUTHORIZATION

Chapter 2, Article XI Code of Sweetwater, Florida

Please Type or Print in Ink

Principal's Name	
Principal's Contact Person	
Principal's Trade Name	
Mailing Address	
Telephone Number	
<i>Other Principal(s) of interest holding directly or indirectly a 5% or more ownership interest.</i>	
Name Of Lobbyist(s)	
Lobbyist's Address	
<i>Note: It is the responsibility of the lobbyist to notify the Clerk of the Board of County Commissioners of any changes in address.</i>	
Telephone Number	
Date Employed	
<p><b>Note</b> On or before July 1st of each year, every lobbyist must file an expenditure statement with the Clerk of the Board of County Commissioners for the preceding calendar year, regardless of the level of activity of the lobbyist, and whether or not the lobbyist has incurred any expenses during the reporting period.</p>	
<p><input type="checkbox"/> Please check here if the lobbyist is employed for a specific issue.</p>	
<p><b>Specific Issue:</b></p>	
<p>I swear under penalty of perjury that the information on this form is true and accurate.</p>	
<p>Principal's Signature: _____ Date:    /    /</p>	
<p>Pursuant to Section 2-11.1(s)(9) of the Code of Miami-Dade County, misrepresentation on this form may subject a person to prohibition from lobbying before the County Commission or any committee, board or county personnel for a period not to exceed five years.</p>	

<b>For Office Use Only:</b>	Date Entry Date: _____ 20____	Entered By: _____
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ORDINANCE NO.: 3184

AN ORDINANCE OF THE COMMISSION OF CITY OF SWEETWATER, FLORIDA, BY ADDING A NEW SECTION TO CHAPTER 2, ADMINISTRATION PROVIDING FOR DEFINITIONS, REGISTRATION OF LOBBYIST, EXCEPTIONS TO REGISTRATIONS, REPORT BY LOBBYIST, AND FINES FOR NON-COMPLIANCE WITH REGISTRATION REQUIREMENTS, CONTINGENCY FEES PROHIBITED, REPORTING BY CITY CLERK, INVESTIGATION BY MIAMI-DADE COUNTY COMMISSION ON ETHICS, RESPONSIBILITY OF CITY PERSONNEL, CONTAINING DEFINITIONS AND A SEVERABILITY CLAUSE, AND PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE. (MAYOR MANUEL MAROÑO)

WHEREAS, the City is desirous of insuring good government, and avoidance of the appearance of impropriety, and it finds that it is in City's best interest to regulate conduct of lobbyist,

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA:

**Section 1.** That the foregoing premises be and by reference are incorporated into the body of this ordinance.

**Section 2.** That the following new section of the code of the City of Sweetwater, Florida, shall be known as the "City of Sweetwater Lobbying Ordinance."

**Section 3.** The Ordinance shall supplement the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance."

**Section 4. Definitions:**

- (a) As used in this section "City personnel" means those City officers and employees who are required to file financial disclosures statement specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance which is incorporated by reference herein. (Copy attached.)
- (b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed by or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) an ordinance, resolution, action or decision of the City Commission; (2) any action, decision, recommendation of the Mayor or any City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons" attorneys or other representative retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide

Ord. #3184

only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

Section 5. Registration of Lobbyist:

- (a) All lobbyist 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 Clerk;
  - (2) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation 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

Ord # 3184

in such corporation, partnership, or trust. Registration of all lobbyist shall be required prior to January 15<sup>th</sup>, of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be two hundred and fifty dollars (\$250.00). Every registrant shall be required to state the extent of any business of professional relationship with the mayor and members of the City Commissioners duly constituted from time to time in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the City may, in its discretion, waive the registration fee upon a finding of financial hardship.

- (3) Prior to conducting any lobbying, all principals must file a form with the City Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principle to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible



contractor. Each principle shall file a form with the City Clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.

- (b) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (c) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.
- (d) Any person who appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the City Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

**Section 6. *Reporting by Lobbyist and Fines for non-Compliance.***

- (a) Commencing September 1<sup>st</sup>, 2005 and to September 1<sup>st</sup> of each year thereafter, the lobbyist shall submit to the City Clerk a signed statement under oath, as provided herein, listing all lobbying

Ord # 3184

expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar 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 by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

- (b) The City clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in section (9) of this Ordinance, a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by November 1<sup>st</sup> shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Miami-Dade Ethics Commission.
- (c) The City Clerk shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.
- (d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission

Ord # 3184

on Ethics and Public trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public trust shall have the authority to waive the fine, in whole or in part, based on good cause shown. The Commission on Ethics and Public trust shall have the authority to adopt rules or procedures regarding appeals form the City Clerk.

**Section 7.    *Contingency Fees Prohibited.***

No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of; (1) an ordinance, resolution, action or decision of the City Commission; (2) any action, decision, or recommendation of the Mayor or any City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission.

**Section 8.    *Reporting by City Clerk.***

The City Clerk shall publish logs on quarterly and annual basis reflecting the

Ord # 3184

lobbyist registrations which have been filed in accordance with this subsection(s).

All logs required by this Ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to

**Section 9.** *Investigation by Miami-Dade County Ethics Commission*

The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this Ordinance. In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in this Ordinance, prohibit such persons from lobbying before the City Commission or any committee, board of personnel of the City as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1<sup>st</sup> violation for a period of 90 days from the date of determination of violation;

2<sup>nd</sup> violation for a period of one (1) year from the date of determination of violation;

3<sup>rd</sup> violation for a period of five (5) years from the date of determination of violation.

**Section 10.** *Responsibility of City Personnel.*

- (a) All members of the City Commission and all City personnel shall be diligent to ascertain whether persons required to register pursuant to this subsection have complied. Commissioners or City personnel may not knowingly permit a person who is not registered pursuant to this

Ord # 3184

Ordinance to lobby the Commissioner, or the relevant committee, board or City personnel.

- (b) The validity of any action or determination by the City Commissioners or any board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection(s).

**Section 11. Codification.**

It is the intention of the City Council and hereby ordained that the provisions of this ordinance be incorporated into the city code, and to effect such intention the codifiers may change the words ordinance or section to other appropriate words.

**Section 12. Severability.**

If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance.

**Section 13. Ordinance in Conflict.**

All ordinances or portions of the City Code in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

**Section 14. Effective Date.**

This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED AND ADOPTED this 16<sup>th</sup> day of August, 2003<sup>5</sup>

Ord. # 3184



MANUEL MAROÑO, MAYOR

  
ARIEL ABELAIRAS, COMMISSION PRESIDENT

ATTEST:

  
MARIE O. SCHMIDT, CITY CLERK

Approved as to form:

  
RAMON IRIZARRI, CITY ATTORNEY

Vote Upon Adoption:

ARIEL ABELAIRAS, COMMISSION PRESIDENT

Yes

JOSE M. DIAZ, COMMISSION VICE-PRESIDENT

Yes

PRISCA BARRETTO

Yes

JOSE BERGOUIGNAN

Yes

MANUEL DUASSO

Yes

Ord # 3184

JOSE M. GUERRA

yes

ORLANDO LOPEZ

yes

Date of 1<sup>st</sup> reading: 07/11/05  
Date of Publication: 07/19/05  
Date of 2<sup>nd</sup> reading: 08/01/05

Ord. #3184