

ORDINANCE NO. 0-08-12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

An ordinance of the City of Gainesville, Florida, relating to registration of lobbyists; creating and adding a new Chapter 29, City of Gainesville Lobbyist Registration Act, creating and adding a new section 29-1, Intent and purpose; creating and adding a new section 29-2, Definitions; creating and adding a new section 29-3, Registration of lobbyists required; registration statements; creating and adding a new section 29-4, Exceptions; creating and adding a new section 29-5, Penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Chapter 29, consisting of sections 29-1 through 29-5 of the Gainesville Code of Ordinances, is hereby created and added to read as follows:

Chapter 29. City of Gainesville Lobbyist Registration Act

Sec. 29-1. Intent and purpose.

The City Commission of the City of Gainesville, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that

1 to preserve and maintain the integrity of the governmental decision-making process, it is
2 necessary that the identity and activities of certain persons who engage in efforts to influence
3 City Commissioners or Board members of the Community Redevelopment Agency (“CRA”), on
4 matters within their official jurisdictions, either by direct communication or by solicitation of
5 others to engage in such efforts, be publicly and regularly disclosed.

6 **Sec. 29-2. Definitions.**

7 (a) *Agency* means any federal, state, regional, county, local, or municipal government entity
8 of this state, whether executive, judicial, or legislative; any department, division, bureau,
9 commission, authority, or political subdivision of this state therein; or any public school,
10 community college, or state university.

11 (b) *Employer* means any person providing compensation of any kind to a lobbyist in
12 consideration for his or her performance of lobbying activities.

13 (c) *Lobbying* means communicating directly or indirectly, either in person, by telephone or
14 by letter, or any other form of communication, with any City Commissioner or Board member of
15 the CRA, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of
16 any item which may be presented for a vote before the City Commission or the CRA.

17 (d) *Lobbyist* means any person who is employed and receives payment, or who contracts for
18 present or future economic consideration of any kind, for the purpose of lobbying.

19 (e) *Person* means any individual, business, corporation, association, firm, partnership, not-
20 for-profit organization, or other organization or group.

1 **Sec. 29-3. Registration of lobbyists required; registration statements.**

2 (a) Prior to engaging in lobbying, every lobbyist shall file with the Clerk of the Commission
3 a registration statement containing the following information:

4 (1) The lobbyist's full name, residence address, business address, and nature of
5 business.

6 (2) The full name and address of his or her employer, if any.

7 (3) The general and specific subject matters which the lobbyist seeks to influence.

8 (4) The extent of any direct business association by the lobbyist with any current
9 elected or appointed official or employee of the City of Gainesville. For the purposes of this
10 article, the term "direct business association" shall mean any mutual endeavor undertaken for
11 profit or compensation.

12 (5) A lobbyist representing a group, association, or organization shall, prior to
13 engaging in lobbying, receive appropriate authorization from said group, association, or
14 organization to lobby on its behalf upon a particular subject matter. A copy of the applicable
15 minutes, motion, or other documentation of action shall be attached to the statements required by
16 paragraph (a) of this section.

17 (b) List of Employers. A lobbyist shall file, on an annual basis, a registration statement for
18 each employer on whose behalf he or she lobbies before the City Commission or the CRA.

19 (c) List of Current Lobbyists. The Clerk of the Commission shall maintain a current list of
20 registered lobbyists and the registration statements required under this section, all of which shall
21 be open for public inspection.

1 **Sec. 29-4. Exceptions.**

2 The following persons are not required to register as a lobbyist pursuant to this Act:

3 (a) Any employee, public officer or appointee of an agency, acting in the normal course of
4 his or her duties;

5 (b) An attorney, or any person, who represents a client in a quasi-judicial hearing before an
6 agency, board, CRA or Commission;

7 (c) Those persons who, in their individual capacity and without compensation of any kind,
8 merely communicate with the City Commission or Board members of the CRA for the purpose
9 of self-representation;

10 (d) Any person who appears as a representative of a not-for-profit community based
11 organization for the purpose of requesting a grant, funds or in-kind services.

12 **Sec. 29-5. Penalties.**

13 (a) If the Clerk of the Commission, or their designee, becomes aware of any person engaged
14 in lobbying who has failed to comply with the requirements of this act, he or she shall mail a
15 notice of violation by certified mail, return receipt requested, to the person informing them of the
16 requirements of this ordinance, outlining the process by which they may comply with the
17 ordinance, and providing them with the right to contest the violation.

18 (b) There shall be no penalty assessed against a lobbyist the first time any registration
19 statement for which the lobbyist is responsible is not filed. However, to receive the one-time
20 penalty waiver, the registration statement must be filed within fourteen (14) days of receipt of the
21 notice of violation.

22 (c) If the required registration statement is not filed within fourteen days of receipt of the
23 notice of violation, the matter will be brought before the Commission for a hearing after
24 reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be

1 heard regarding the failure to comply with this ordinance. At the conclusion of the hearing, the
2 City Commission may warn, reprimand, or censure the violator or may suspend or prohibit the
3 violator from appearing on behalf of any employer before the Commission or the CRA for a
4 period of time not to exceed one (1) year. The City Commission may also rescind the Notice of
5 Violation if it deems appropriate.

6 (d) The intentional failure or refusal of any lobbyist to comply with any order of the
7 Commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to
8 such civil remedies as the City may pursue, including the issuance of a civil citation and/or
9 injunctive relief.

10 (e) The validity of any action taken by the City Commission or the CRA shall not be affected
11 by the failure of any person to comply with the provisions of this article.

12 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 shall
13 become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and
14 that the sections and paragraphs of this Ordinance may be renumbered or relettered in order to
15 accomplish such intentions.

16 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the
17 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
18 shall not affect the other provisions or applications of the ordinance which can be given effect
19 without the invalid or unconstitutional provisions or application, and to this end the provisions of
20 this ordinance are declared severable.

21 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
22 conflict hereby repealed.

23 **Section 5.** This ordinance shall take effect on November 1, 2008.

24

D R A F T

5-21-08

1 **PASSED AND ADOPTED** this ____ day of _____, 2008.

2

3

4

5

6

PEGEEN HANRAHAN
MAYOR

7 ATTEST:

8

Approved as to form and legality

9

10 _____
KURT M. LANNON
11 CLERK OF THE COMMISSION

MARION J. RADSON
12 CITY ATTORNEY

13

14 This Ordinance passed on first reading this ____ day of _____, 2008.

15 This Ordinance passed on second reading this ____ day of _____, 2008.