


MEMORANDUM

Agenda Item No. 5(I)

| | | | |
|--------------|---|-----------------|--|
| TO: | Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners | DATE: | (Public hearing: 7-20-21) June 2, 2021 |
| FROM: | Geri Bonzon-Keenan County Attorney | SUBJECT: | Ordinance relating to conflict of interest and Code of Ethics ordinance; amending section 2-11.1 of the Code; creating and revising certain definitions pertaining to lobbying; providing exceptions to definition of lobbying activity; revising lobbyist registration requirements to apply to principals who lobby and to require identification of the issue to which lobbying pertains; requiring amendments to lobbyist registration as circumstances change; revising the affidavit in lieu of registration requirement to apply to certain persons participating in recorded negotiation meetings for procurement matters; providing that lobbyist expenditure reports shall be filed even when no reportable expenditures occur during a reporting period; revising duties of County officials and County personnel pertaining to lobbying by unregistered persons; making technical and conforming changes |

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(I)

Please note any items checked.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | "3-Day Rule" for committees applicable if raised |
| <input checked="" type="checkbox"/> | 6 weeks required between first reading and public hearing |
| <input checked="" type="checkbox"/> | 4 weeks notification to municipal officials required prior to public hearing |
| <input type="checkbox"/> | Decreases revenues or increases expenditures without balancing budget |
| <input type="checkbox"/> | Budget required |
| <input checked="" type="checkbox"/> | Statement of fiscal impact required |
| <input checked="" type="checkbox"/> | Statement of social equity required |
| <input type="checkbox"/> | Ordinance creating a new board requires detailed County Mayor's report for public hearing |
| <input checked="" type="checkbox"/> | No committee review |
| <input type="checkbox"/> | Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve |
| <input type="checkbox"/> | Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required |

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
7-20-21

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING AND REVISING CERTAIN DEFINITIONS PERTAINING TO LOBBYING; PROVIDING EXCEPTIONS TO DEFINITION OF LOBBYING ACTIVITY; REVISING LOBBYIST REGISTRATION REQUIREMENTS TO APPLY TO PRINCIPALS WHO LOBBY AND TO REQUIRE IDENTIFICATION OF THE ISSUE TO WHICH LOBBYING PERTAINS; REQUIRING AMENDMENTS TO LOBBYIST REGISTRATION AS CIRCUMSTANCES CHANGE; REVISING THE AFFIDAVIT IN LIEU OF REGISTRATION REQUIREMENT TO APPLY TO CERTAIN PERSONS PARTICIPATING IN RECORDED NEGOTIATION MEETINGS FOR PROCUREMENT MATTERS; PROVIDING THAT LOBBYIST EXPENDITURE REPORTS SHALL BE FILED EVEN WHEN NO REPORTABLE EXPENDITURES OCCUR DURING A REPORTING PERIOD; REVISING DUTIES OF COUNTY OFFICIALS AND COUNTY PERSONNEL PERTAINING TO LOBBYING BY UNREGISTERED PERSONS; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 1996, Miami-Dade County residents voted to amend the Home Rule Charter to create an ethics commission; and

WHEREAS, subsequently, the Board enacted Ordinance No. 97-105, establishing the Commission on Ethics and Public Trust (the “Ethics Commission”), an independent agency with advice-giving and quasi-judicial powers that is charged with interpreting and enforcing the County’s ethics rules; and

WHEREAS, these ethics rules are set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, which is codified in section 2-11.1 of the County Code; and

WHEREAS, among other topics, section 2-11.1 provides rules and regulations pertaining to lobbying, including a requirement that lobbyists register with the County, pay a registration fee, and complete an ethics training course; and

WHEREAS, recently, the Ethics Commission staff undertook a comprehensive review of lobbying legislation across the state and throughout the country, while also reviewing the special procurement framework particular to Miami-Dade County; and

WHEREAS, as part of that review process, the County Internal Services Department Procurement Division (ISD) and the Office of the Inspector General held meetings with the Ethics Commission to discuss and propose solutions to address the issue of outside influence on the County's procurement decision-making process; and

WHEREAS, as a result of its review, research, and collaboration with ISD and the Office of the Inspector General, the Ethics Commission staff has proposed a series of revisions to the lobbying regulations contained in section 2-11.1(s), including:

- Modifying the definition of "County Personnel" to better identify those officials and employees who are traditionally lobbied regarding legislation and procurement matters;
- Adding definitions for "expenditures," "governmental entity," and "lobbying activity" to provide greater clarity to County officials and personnel, lobbyists, and the public;
- Expanding the "lobbyist" definition so that it is appropriately comprehensive to include designated, contracted lobbyists and in-house lobbyists;
- Adding a definition of "principal" to include any individual or entity directly or indirectly benefitting from lobbying activities, even if the lobbyist was not formally retained by that principal, but rather by a third-party;

- Adding a definition of “procurement matters,” and expanding the list of activities that are not considered “lobbying activities” to identify specified procurement matters;
- Clarifying that a principal who lobbies must register as a lobbyist;
- Requiring the specific issue, and not just the agenda item number or procurement matter identifier, that the lobbying activity concerns to be disclosed to enhance accountability and transparency in the process;
- Requiring amendments to lobbyist registration forms to be filed as circumstances change so that such registrations remain accurate and up-to-date at all times;
- Expanding the affidavit in lieu of lobbyist registration requirement for certain persons whose appearance is at an oral presentation to also include those participating in recorded negotiation meetings;
- Requiring lobbyist expenditure reports to be filed even when there are no reportable expenditures during a reporting period in furtherance of accountability and to aid in enforcement;
- Making a series of organizational, conforming, and technical changes to enhance the organization and readability of section 2-11.1(s) pertaining to lobbying; and

WHEREAS, accordingly, this Board wishes to amend the County Code to implement these recommendations pertaining to lobbying,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11.1 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(s) ~~[[Lobbying.]]~~ >>Principal and Lobbyist Registration.<<

(1) >>Definitions.<<

- (a) ~~[[As used in this section,]]~~ “County personnel” means those County >>officials,<< officers and employees >>included<< [[specified]] in >>section<<[[Section]] 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance>>, with the exception of the County Attorney and Assistant County Attorneys; advisory personnel as defined in section 2-11.1(b)(4); and any employee of a County department or division with the authority to participate in procurement matters, when the communication involves such procurement.
- (b) “Expenditure” means the same as defined in section 112.3215, Florida Statutes.
- (c) “Government entity” means any political subdivision, including any county, municipality, special district, school district, utility authority, or other authority, or any instrumentality, agency, unit, or department thereof.
- (d) “Lobbying activity” means any attempt to influence or encourage the passage or defeat of, or modification to, governmental actions, including, but not limited to, ordinances, resolutions, rules, regulations, executive orders, and procurement actions or decisions of the County Commission, the Mayor, any County board or committee, or any County

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

personnel. The term “lobbying activity” encompasses all forms of communication, whether oral, written, or electronic, during the entire decision-making process on actions, decisions, or recommendations which foreseeably will be heard or reviewed by County personnel. This definition shall be subject to the exceptions stated in subparagraph (s)(2) below.

(e)<< ~~[[b) As used in this section,]]~~ “Lobbyist” means all persons, firms, >>entities,<< or corporations >>that are<< employed>>, designated,<< or retained by a principal>>, with or without compensation, or that contract with a third-party for economic consideration to perform lobbying activities on behalf of a principal.<< ~~[[who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County 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 County Commission, or a County board or committee.]]~~ “Lobbyist” ~~[[specifically]]~~ includes the principal >>that lobbies,<< as well as any employee >>that has been designated by the principal to perform<< ~~[[whose normal scope of employment includes]]~~ lobbying activities >>on behalf of the principal<<. ~~[[The term “Lobbyist” specifically excludes the following persons: individuals, corporations or other entities during publicly-noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide 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 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.]]~~

>>(f) “Principal” means the person, firm, corporation, or other entity that performs lobbying activity on behalf of itself or that has designated, employed, or retained a lobbyist to lobby on its behalf. The term “principal” also includes the person, firm, corporation, or other entity receiving the benefit of the lobbying effort and on whose behalf the lobbyist is lobbying, even if the lobbyist is retained, engaged, or employed by a third-party for such purposes.

(g) “Procurement matter” means the County’s processes for the purchase of goods and services, including, but not limited to, processes related to the acquisition of: technology; public works; design services; construction, professional architectural, engineering, landscape architecture, land surveying, and mapping services; the purchase, lease, or sale of real property; and the acquisition, granting, or other interest in real property.

(h) “Encourage” means to influence, promote, support, oppose, or seek to modify, alter, amend, or delay any recommendation, action, or decision of the County Commission, the Mayor, any County board or committee, or any County personnel.

(2) Exceptions. The following persons are specifically excluded from the definition of “lobbyist” and shall not be subject to the requirements of this subsection:

(a) Any representative of individuals, corporations, or other entities solely during a public hearing on a quasi-judicial matter;

(b) Any person who appears only as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect, or contingent;

(c) Any person who only appears as a representative of a not-for-profit community-based organization without special compensation or reimbursement for the appearance to request a grant;

(d) Any person employed or retained by a principal whose normal scope of employment or retention does not include lobbying

activities and who is not engaged in lobbying activities on behalf of said principal;

- (e) Any expert who is retained for the sole purpose of providing only scientific, technical, or other specialized information or testimony in public meetings;
- (f) Any public officer, employee, or appointee, appearing in his or her official capacity, to represent a governmental entity;
- (g) Any person who only appears in his or her official capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect, or contingent, to express support or opposition to any item;
- (h) Any person engaged in following activities involving a procurement matter:
 - 1. appearance at a pre-bid conference;
 - 2. submission of a bid or proposal;
 - 3. submission of a written question or response to a bid or proposal;
 - 4. presentation by technical experts, or persons employed or retained by a principal whose normal scope of employment does not include lobbying activities, for purposes of explaining or demonstrating characteristics or performance of a procurement matter, provided the presentation does not include any advocacy or recommendations on the procurement matter and is otherwise consistent with the pending procurement matter or guidelines and procedures;
 - 5. post-award contract management;
 - 6. participation in market research process;
 - 7. accessed contracts; and
 - 8. emergency purchases

(3)<< [(2)] >>Registration.<< All lobbyists >>and principals who lobby<<
 shall register with the Clerk of the Board of County Commissioners 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 register shall:

- (a) Register on forms prepared by the Clerk;

- (b) State under oath his or her name, business address>>.<< ~~[[and]]~~ the name and business address of each person or entity which has>> , directly or indirectly, designated, retained, or employed said registrant to lobby and the specific issue on which the lobbyist has been designated, retained, or employed 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 in such corporation, partnership, or trust.]]~~
- >>(c)<< Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- >>(d)<< The fee for annual registration shall be four hundred and ninety dollars (\$490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)~~[[4]]~~. 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. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.
- ~~[[e]]~~>>(e)<< Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal>> , describing the specific issue, agenda item, or procurement matter that is the subject of the lobbying, and identifying all persons holding,

directly or indirectly, a five (5) percent or more ownership interest in the corporation, partnership, or trust<<.

>>(f)<< The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered>>_<< and the lobbyist has not agreed to accept>>_<< any contingency or success fees as defined in >>subparagraph<< [[subsection]] (s)[[(7)]]>>(8)<<.

>>(g)<< Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor.

>>(h) Lobbyists shall file amendments to their registration forms within fifteen (15) days of any change of information required to be set forth on their registration forms.

(i)<< Each >>lobbyist<< [[principal]] shall file a form with the Clerk of the Board >>within thirty (30) days after ceasing all lobbying activities with a principal<< [[at the point in time at which a lobbyist is no longer authorized to represent the principal]].

>>(4)<< [[(d)]] >>Ethics training.

(a)<< Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist.

>>(b)<< The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law.

>>(c)<< The fee for the Ethics Course shall be one hundred dollars (\$100.00). The registration fees required by this subsection shall be deposited into a separate account and shall be expended by the Ethics Commission for Ethics Courses and related costs.

>>(d)<< The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.

>>(5)<<[[~~(3)~~]] >>Exceptions to registration fee requirement. The following persons or entities shall register as lobbyists and complete the required ethics training, pursuant to the subparagraphs above, but shall not be required to pay registration fees:<<

(a) ~~[[Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.~~

~~(b) 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.]] A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, 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 Clerk as required by this subsection, but shall not be required to pay any registration fees]]~~

>>(b)<<[[~~(4)~~]] Any person who only appears as a representative of a not-for-profit corporation or entity (such as a >>501(c)(3)<<[[~~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 Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees]]~~.

>>(c)<< Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, 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 Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees]]~~.

>>(6)<<[[~~(5)~~]] >>Affidavit requirement. The following provisions shall apply to certain individuals who, in procurement matters, participate in oral presentations or recorded negotiation meetings and sessions:

(a) The principal shall list on an affidavit form, provided by the County, all technical experts or employees of the principal whose normal scope of employment does not include lobbying activities and whose sole participation in a County procurement matter involves an appearance and participation in<< an oral presentation before a county certification, evaluation, selection, technical review or similar committee,>>or recorded negotiation meetings or sessions.<< ~~[[Any person who appears as a representative for an individual or firm for shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees.]]~~

>>(b)<< No person shall appear before any >>procurement<< committee >>or at any procurement negotiation meeting or session<< on behalf of >>a principal<< ~~[[an individual or firm]]~~ unless he or she has been listed as part of the >>principal's<< ~~[[firm's]]~~ presentation >>or negotiation<< team pursuant to this

~~>>subparagraph (s)(6), or has registered as a lobbyist pursuant to subparagraph (s)(3)<< [[paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees]].~~

~~>>(c)~~ For the purpose of this subsection (s) only, the listed members of the oral presentation or negotiation team shall not be required to separately register as lobbyists or pay any registration fees.

~~(d)~~ The affidavit required by this subsection shall be filed by County procurement staff with the Clerk of the Board at the time the proposal is submitted or prior to the recorded negotiation meeting or session.

~~(e)~~ Notwithstanding the foregoing, any person who engages in lobbying activities in addition to appearing before a procurement committee to make an oral presentation, or at a recorded procurement negotiation meeting or session, shall comply with all lobbyist registration requirements.

~~(7)<<[[6]]~~ >>Expenditure reports.<<

~~(a)~~ On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. ~~[[A statement shall not be filed 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. >>Even if there are no reportable expenditures during a reporting period, a statement shall be filed so indicating.<<

*

*

*

~~>>(8)<<[[7]]~~ >>Contingency fees.

~~(a)<<~~ 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.

>>(b)<< As used herein, “contingency fee” means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the >>lobbying activities<< ~~[[passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County 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 County Commission, or a County board or committee]].~~

>>(9)<<[[~~(8)~~]] >>Lobbyist registration logs.

(a)<< The Clerk shall publish logs on a quarterly and an annual basis reflecting the >>principal and<< lobbyist registrations which have been filed in accordance with this subsection (s).

>>(b)<< 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 11.045, Florida Statutes.

>>(10)<<[[~~(9)~~]] >>Violations.

(a)<< The Ethics Commission shall investigate any person engaged in lobbying ~~[[activities]]~~ who may be in violation of this subsection (s).

>>(b)<< In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

>>(c)<< Every lobbyist who is found in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

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

3rd violation for a period of five (5) years from the date of determination of violation;

>>(d)<< A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a “direct violation” shall mean a violation committed by the bidder or proposer and an “indirect violation” shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County >>Mayor or designee<< [[~~Manager~~]] shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as a result of such failure illegal per se.

>>(11)<<[[~~(40)~~]] >>Diligence requirement; lobbying by unregistered persons; effect on County action.

(a)<< All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register >>as lobbyists<< pursuant to this subsection >>(s)<< have [[~~been~~]] complied >>with the requirement. This diligence requirement may be satisfied if members of the County Commission, or County personnel, maintain a written log that documents all oral lobbying communications or meetings with a lobbyist, held for the purpose of lobbying outside a duly noticed public meeting or hearing, and the log, at a minimum, reflects the name of the lobbyist, the date of the lobbying activity, whether the lobbyist indicates he or she is registered, and the subject matter discussed. Each such log shall be maintained and made available consistent with public record requirements<<.

>>(b)<< Commissioners or County personnel >>shall<<[[~~may~~]] not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner >>or his or her staff<<, or the relevant committee, board>>,<< or County personnel.

>>(c)<<[[~~(11) Except~~]] >>Notwithstanding the foregoing, and except<<
as otherwise provided >>herein,<< [[~~in subsection (s)(9),~~]] the
validity of any action or determination of the Board of County
Commissioners or County personnel, board>>.<< or committee
shall not be affected by the failure of any person to >>register
as a lobbyist or otherwise<< comply with the provisions of
subsection (s).

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Commissioner Rebeca Sosa

GKS for GBK

