

ORDINANCE

16-1

ORDINANCE NO. 16-1

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF ORDINANCES, PART A, CHAPTER 2, ARTICLE III AS PERTAINING TO THE REGULATION OF LOBBYISTS; PROVIDING FOR DEFINITIONS; REQUIRING ANNUAL REGISTRATION OF LOBBYISTS; REQUIRING A RECORD OF MEETING CONTACTS AND A MEETING LOG; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County Lobbying Ordinance has not been amended since 2007; and

WHEREAS, much communication is done via electronic means rather than meeting in person; and

WHEREAS, the Board of County Commissioners desires to establish a better system of tracking lobbying activities to allow for greater transparency in County business.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS 21ST DAY OF JANUARY, 2016, as follows:

1. Sec. 2-217 of the Hillsborough County Code is amended to read as follows

Sec. 2-217. - Definitions.

As used in this article:

Affected personnel means a member of the Board of County Commissioners, the County Administrator, the Deputy County Administrator, any Assistant County Administrator, any Department head, the County Attorney, the County Internal Auditor, or any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer.

Government employees means all agents of government, whether elected or appointed, paid or unpaid, hired or under contract as a consultant or attorney, who are acting on behalf of the United States, the State of Florida, its agencies, political subdivisions, special districts and municipalities.

Lobbying means communicating directly or indirectly, outside a duly noticed public meeting or hearing on the record with affected personnel in order to encourage the passage, defeat, or modification of any item pending or likely to be pending in the near future, before the Board of County Commissioners or being considered by the lobbied employee for presentation or

recommendation to the Board of County Commissioners, or to any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer. Lobbying shall include all forms of communication, whether oral, written or electronic.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for direct or indirect economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Relative shall mean any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law, brother-in law, or sister- in -law.

2. Sec. 2-218 of the Hillsborough County Code is amended to read as follows:

Sec. 2-218. - Registration of lobbyists.

All persons who are lobbyists under Sec. 2-217 must register. Thereafter, all lobbyists shall register and re-register, as applicable, prior to January 1 of each year. The lobbyist shall pay a fee of \$50.00 annually. Persons who lobby only on behalf of non-profit corporations are not required to pay the annual fee. All lobbyists must update their registration when they engage a new client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the county attorney. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of interest, and the nature and extent of any direct business association or partnership with any current member of the board. Each lobbyist shall sign a form, to be prepared by the County Attorney's Office, indicating that he or she has read the Lobbying Ordinance and will abide by its provisions.

Registered lobbyists shall be prohibited from lobbying any Commissioner or other affected personnel regarding official County business via text message on that Commissioner's or personnel's private cell phone or other private media, such as private emails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the commissioner's county email address.

Record of meetings; Meeting logs.

Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a commissioner shall sign meeting logs maintained and available in the office of reception of the board of county commissioners. Meeting logs shall be available in designated county department for meetings with affected personnel. Each person shall provide his or her name, whether the person is attending the meeting as a part of his or her employment or otherwise for compensation, the name of each principal, if any, represented in the course of the particular meeting, and the subject matter of the meeting. Upon submitting the information in the meeting log, the commissioner and the commissioner's aides, or the affected personnel, and

the county attorney's office will receive concurrent notification. All meeting logs shall be maintained by the county for a period of five (5) fiscal years.

The following shall not be required to sign the meeting logs:

1. Hillsborough County employees, and employees of other Hillsborough County agencies
 2. Law enforcement officers
 3. Relatives
4. Sec. 2-221 of the Hillsborough County Code is amended to read as follows:

Sec. 2-221. - Maintaining registrations.

There shall be established in the county attorney's office a staff position whose duties include the maintenance of lobbyist registrations, the investigation of alleged violations, and the enforcement of any penalties.

5. Sec. 2-222 of the Hillsborough County Code is amended to read as follows:

New Section – Enforcement

If the County Attorney's Office is informed of any person who has failed to comply with the requirements of this article, the County Attorney's Office shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the County Attorney's Office determines that a violation may have occurred based on the results of the investigation, the County Attorney's Office shall assess the penalty as provided in Sec. 2-222. Any appeal of this assessment shall go to a hearing officer for his or her recommendation. The recommendation will then go to the board of county commissioners for final resolution.

Sec. 2-222. - Penalties.

A first violation of the provisions of this article shall result in the issuance of a warning by the County Attorney's Office. A second violation within a period of 12 months shall be punishable by a fine of \$250.00. If a third violation occurs within 12 months, the violator shall be prohibited from lobbying for six months. If a fourth violation occurs within 12 months, the violator shall be prohibited from lobbying for one year. The County Attorney's Office shall notify all affected personnel should a lobbyist be suspended under this section. If a lobbyist lobbies any affected personnel while under suspension, the County Attorney's Office shall impose a fine of \$500.00. The validity of any action or determination of the commission, board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

6. APPLICABILITY

This Ordinance shall be applicable in all unincorporated areas of Hillsborough County and to all incorporated areas of Hillsborough County where there is no existing conflict of law or municipal ordinances.

7. SEVERABILITY

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Ordinance.

8. COMPLIANCE WITH LAW

Nothing in this Ordinance shall be construed to exempt compliance with state laws relating to lobbying. Violations of state law may be prosecuted as applicable.

9. RESOLUTION OF CONFLICT OF LAWS

In all instances where Florida Law (as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise) mandates standards or requirements that conflict with the provisions of this Ordinance, said law shall govern and the same shall be incorporated by this reference as a part of this Ordinance. For purposes of this Ordinance, a conflict shall exist where, upon a particular matter, Florida Law addresses the matter in a manner that is more strict than the provisions of this Ordinance, where the provisions of Florida Law are specifically referenced in this Ordinance as providing for criminal penalties or where a matter is addressed by Florida Law that is not addressed by this Ordinance. In these two situations, Florida Law shall control. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control.

10. INCLUSION IN THE HILLSBOROUGH COUNTY CODE

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

11. FILING OF ORDINANCE, TRANSITION AND EFFECTIVE DATE

In accordance with the provisions of §125.66, Florida Statutes, as may be amended, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. The ordinance shall take effect 90 days after adoption.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of January 21, 2016, by a vote of 7 voting yes and 0 voting no, as the same appears in record in Minute Book 476 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 29th day of January, 2016.

PAT FRANK
CLERK OF THE CIRCUIT COURT

By: Diana M. Lee
Deputy Clerk



Approved as to form and

Legal sufficiency:

By: May Helen Farris
General Counsel



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 29, 2016

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Diana Leon, Deputy Clerk, BOCC Records

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 16-1, which was filed in this office on January 29, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb