

1 THE PALM BEACH COUNTY LOBBYIST REGISTRATION ORDINANCE

2 ORDINANCE 2003-018 (effective July 1, 2003),  
3 AS AMENDED BY ORDINANCE 2003-055 (effective November 25, 2003)

4 *[The following represents a consolidation for reference purposes only of the two Ordinances cited*  
5 *above. The ordinance titles, the recitals, and other non-substantive provisions have been removed*  
6 *for the convenience of the reader. For exact text, please refer to the original Ordinances.]*

7 **Section 1. Title and Purpose.**

8 A. This Ordinance may be cited as the "Palm Beach County Lobbyist Registration Ordinance."

9 B. The Board of County Commissioners of Palm Beach County hereby determines that the  
10 operation of responsible government requires that the fullest opportunity be afforded to the people  
11 to petition their County government for the redress of grievances and to express freely to the elected  
12 officials their opinions on legislation and other actions and issues; that to preserve and maintain the  
13 integrity of the governmental decision-making process, it is necessary that the identity and activities  
14 of certain Persons who engage in efforts to influence County Commissioners, Advisory Board  
15 members, and Employees on matters within their official duties, be publicly and regularly disclosed.

16 **Section 2. Definitions.**

17 A. Unless expressly provided herein to the contrary, for purposes of this Ordinance, the  
18 following definitions will apply:

19 1. "Advisory Board" will mean any advisory or quasi-judicial board created by the  
20 Board of County Commissioners.

21 2. "Board" will mean the Board of County Commissioners of Palm Beach County,  
22 Florida.

23 3. "County Commissioner" will mean any member of the Board of County  
24 Commissioners of Palm Beach County, Florida.

25 4. "Employee" will mean all personnel employed by the Board of County  
26 Commissioners.

27 5. "Lobbying" shall mean seeking to influence the decision of any County  
28 Commissioner, any Advisory Board member, or any Employee with respect to the passage, defeat  
29 or modification of any item which may foreseeably be presented for consideration to the Advisory  
30 Board or Board of County Commissioners as applicable.

1           6.     **"Lobbyist"** shall mean any Person who is employed and receives payment, or who  
2 contracts for economic consideration, for the purpose of Lobbying on behalf of a Principal.  
3     **"Lobbyist"** shall not include any Employee as defined by this ordinance when acting in the course  
4 of his or her employment, any elected local official when the official is Lobbying on behalf of the  
5 governmental agency which the official serves, or any member of the official's staff when such staff  
6 member is Lobbying on an occasional basis on behalf of the governmental agency by which the staff  
7 member is employed.

8           7.     **"Person"** shall mean individuals, firms, associations, joint ventures, partnerships,  
9 estates, trusts, business trusts, syndicates, fiduciaries, corporations (profit or not-for-profit),  
10 professional corporations, or associations, and all other groups or combinations however constituted.

11           8.     **"Principal"** shall mean the Person or entity a Lobbyist represents for the purpose of  
12 Lobbying.

13     **Section 3. Registration.**

14     **A. Registration Required.** All Lobbyists shall register with County Administration before  
15 engaging in Lobbying. Every Lobbyist shall submit a form prepared by County Administration and  
16 shall state his or her name, address, the name and address of each Principal represented, the general  
17 and specific areas of legislative interest, and the nature and extent of any direct business association  
18 or partnership with any current County Commissioner, Advisory Board member, or Employee. A  
19 Lobbyist's registration shall automatically expire on December 31st of the year of registration. If at  
20 any time during the year, a Lobbyist commences representing a Principal for which the Lobbyist has  
21 not registered pursuant to this Ordinance, such Lobbyist shall register with respect to that Principal  
22 prior to Lobbying. Lobbying prior to registration is prohibited.

23     **B. Registration Exceptions.** Registration shall not be required for the following:

24           1.     County Commissioners, Advisory Board members or Employees discussing matters  
25 relevant to their official duties;

26           2.     Persons under contract with the County who communicate with County  
27 Commissioners, Advisory Board members or Employees regarding issues related only to the  
28 performance of their services under their contract;

29           3.     Any Person who lobbies only in his or her individual capacity for the purpose of self-  
30 representation;

1                   4.       Any Person who appears before the Board or Advisory Board in a quasi-judicial  
2       proceeding.

3       C.       **False Statements.** A Lobbyist shall not knowingly make, or cause to be made, a false  
4       statement or misrepresentation in maintaining registration or when Lobbying County Commissioners,  
5       Advisory Board Members, or Employees.

6       **Section 4. Record of Lobbying Contacts.**

7       A.       **Contact Log.** Except when appearing before the Board or any Advisory Board, all Persons  
8       shall sign, for each instance of Lobbying, contact logs maintained and available in the office of  
9       reception of each department of County government. The Person shall provide his or her name,  
10       whether or not the Person is a Lobbyist as defined in this Ordinance, the name of each Principal, if  
11       any, represented in the course of the particular contact, and the subject matter of the Lobbying  
12       contact. All contact logs shall be transmitted to the County Administrator at the end of each calendar  
13       quarter.

14       B.       **Lobbying Outside of County Offices.** In the event that a Lobbyist engages in Lobbying  
15       which is outside of County offices, and which is a scheduled appointment initiated by any Person for  
16       the purpose of Lobbying, the Lobbyist shall advise the Commissioner's office or Employee's  
17       department office as appropriate of the calendar scheduling of an appointment and the subject matter  
18       of the Lobbying contact.

19       **Section 5. Cone of Silence.**

20       A.       "Cone of Silence" means a prohibition on any communication, except for written  
21       correspondence, regarding a particular Request for Proposal, Request for Qualification, bid, or any  
22       other competitive solicitation between:

23               1.       Any Person or Person's representative seeking an award from such competitive  
24       solicitation, and

25               2.       Any County Commissioner or Commissioner's staff, or any Employee authorized to  
26       act on behalf of the Commission to award a particular contract.

27       B.       For the purposes of this Section, a Person's representative shall include but not be limited  
28       to the Person's employee, partner, officer, director, consultant, Lobbyist, or any actual or potential  
29       subcontractor or consultant of the Person.

1 C. The Cone of Silence shall be in effect as of the deadline to submit the proposal, bid, or other  
2 response to a competitive solicitation. Each Request for Proposal, Request for Qualification, bid,  
3 or any other competitive solicitation shall provide notice of Cone of Silence requirements and refer  
4 to this Ordinance.

5 D. The provisions of this Ordinance shall not apply to oral communications at any public  
6 proceeding, including pre-bid conferences, oral presentations before selection committees, contract  
7 negotiations during any public meeting, presentations made to the Board, and protest hearings.  
8 Further, the Cone of Silence shall not apply to contract negotiations between any Employee and the  
9 intended awardee, any dispute resolution process following the filing of a protest between the Person  
10 filing the protest and any Employee, or any written correspondence at any time with any Employee,  
11 County Commissioner, or Advisory Board Member or selection committee member, unless  
12 specifically prohibited by the applicable competitive solicitation process.

13 E. The Cone of Silence shall not apply to any purchases made in an amount less than the  
14 competitive bid threshold set forth in the Palm Beach County Purchasing Ordinance (Palm Beach  
15 County Code Chapter 2, Article III, Division 2, Part A, Section 2.51, *et seq.*).

16 F. The Cone of Silence shall terminate at the time the Board, or a County Department authorized  
17 to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or  
18 otherwise takes action which ends the solicitation process.

19 **Section 6. Enforcement.**

20 A. If the County Administrator is informed of any Person engaged in Lobbying activities who  
21 has failed to comply with the requirements of this Ordinance, he or she shall conduct an investigation  
22 as deemed necessary under the circumstances. In the event the County Administrator determines  
23 that a violation has occurred based on the results of the investigation, the following enforcement  
24 procedures shall apply.

25 B. A notice of violation shall be transmitted to the Person indicating the nature of the violation  
26 and the penalty imposed. The Lobbyist shall have up to thirty days after the date of the notice to seek  
27 appeal of the penalty. In the event the Lobbyist fails to submit an appeal in writing to the County  
28 Administrator within thirty days of the date of such notice, the violation shall be deemed final, and  
29 the penalty imposed shall be effective immediately.

1 C. Appeals of any decisions of the County Administrator shall be referred to a special master  
2 for hearing.

3 1. Creation and Appointment. Appeal hearings pursuant to this Ordinance shall be  
4 conducted by designated special masters. Applications for special master positions shall be directed  
5 to the County Administrator pursuant to a notice published in a newspaper of general circulation.  
6 The County Administrator shall select a pool of candidates from applications filed on the basis of  
7 experience and qualifications. The County Administrator shall appoint each special master to  
8 conduct each hearing from the pool of candidates selected, as necessary. A special master shall be  
9 a graduate of a law school accredited by the American Bar Association, and a current member in  
10 good standing of The Florida Bar. The County Administrator shall give preference to those attorneys  
11 who have prior experience in a judiciary capacity, or as a hearing officer, mediator, or special master.  
12 Special masters shall serve without compensation for their services, and shall not be considered  
13 Employees. Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach  
14 County necessary to fulfill their responsibilities as a special master.

15 2. Conduct of Hearing. Hearings before the special master shall be conducted as  
16 follows:

17 a. Persons seeking appeal will receive written notice by certified mail of the  
18 hearing no less than fifteen working days in advance of the hearing. The special master shall  
19 render a decision on the appeal within fifteen working days after the case was heard.

20 b. The special master shall provide Persons seeking appeal and any County  
21 representatives an opportunity to present testimony and evidence. All testimony shall be  
22 under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental  
23 due process shall be observed and shall govern the proceedings. The special master, in his  
24 or her discretion, may exclude irrelevant, immaterial, or unduly repetitious evidence, but all  
25 other evidence of a type commonly relied upon by reasonably prudent Persons in the conduct  
26 of their affairs shall be admissible, whether or not such evidence would be admissible in a  
27 trial in the courts of Florida. Any part of the evidence may be received in written form.

28 c. The decision of the special master is final and appealable by writ of certiorari  
29 pursuant to the Florida Rules of Appellate Procedure.

1 D. The validity of any action taken by the Board, the Advisory Boards, or any Employees, shall  
2 not be affected by the failure of any Person to comply with the provisions of this Ordinance.

3 Section 7. Penalties.

4 A. Violations of the Palm Beach County Lobbyist Registration Ordinance shall be punishable  
5 as follows.

6 1. Failure to properly register as required by Section 3 of this Ordinance shall be deemed  
7 a single violation, punishable by a fine of two hundred fifty dollars (\$250.00) per day for each day  
8 an unregistered Lobbyist engages in Lobbying activity, in an amount not to exceed a total of two  
9 thousand five hundred dollars (\$2,500.00).

10 2. Failure to properly provide Lobbying contact information as required by Section 4  
11 of this Ordinance shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each  
12 violation.

13 3. Violations of the Cone of Silence set forth in Section 5 of this Ordinance shall be  
14 punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.

15 4. Any Person who knowingly makes or causes to be made a false statement or  
16 misrepresentation in maintaining a Lobbyist registration shall be subject to a fine of two hundred fifty  
17 dollars (\$250.00) for each violation.

18 5. Any Person who violates the provisions of this Ordinance more than once during a  
19 twelve-month period shall be prohibited from Lobbying as follows: A second violation shall result  
20 in a prohibition of one year; a third violation shall result in a prohibition of two years.

21 6. The penalties provided in this section shall be exclusive penalties imposed for any  
22 violation of the registration, contact log, and Cone of Silence requirements of this Ordinance. Failure

1 or refusal of any Lobbyist to comply with any order of the County or special master shall be  
2 punishable as provided by law, and shall otherwise be subject to such civil remedies as the County  
3 may pursue, including injunctive relief.

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