

PROPOSED
ORDINANCE NO. 08-15

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTIONS 2-7-1 THROUGH 2-7-4 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING A LOBBYIST REGISTRY; PROVIDING DEFINITIONS AND REQUIRING REGISTRATION BY INDIVIDUALS ENGAGED IN LOBBYING ACTIVITY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Chapter 2-7 of the Code of the City of Pensacola, Florida, pertaining to Lobbying, is hereby created to read:

Chapter 2-7. Lobbying.

Sec. 2-7-1. Definitions.

- (a) *Board* means any board, commission, committee, or body, whether decision-making or advisory in nature, established by either the City Council or the Mayor.
- (b) *Compensation* means money or anything of value or financial benefit received in return for the performance of lobbying activities.
- (c) *Lobbying* or *lobbying activities* means any actions or communications by a lobbyist to any City Council member, board member, or the Mayor, whereby the lobbyist seeks to encourage or influence any allocation of funding, or the passage, defeat, modification or repeal of any ordinance, resolution, action, or decision of the City Council or any City Council member, or any action, decision, or recommendation of any board or board member, or any action, decision, or recommendation of the Mayor.
- (d) *Lobbyist* means any person, firm, or corporation who is retained, with compensation, for the purpose of lobbying, or any person who is employed by another person or entity on a full or part-time basis to lobby on behalf of that other person or entity.
- (e) For the purposes of this chapter, the term “lobbyist” shall not include the following individuals:

- (1) Any elected or appointed government official or employee, or any foreign dignitary, who communicates with City Council members, board members, or the Mayor in his or her official capacity.
- (2) Consultants, attorneys, or other persons under contract with the City who communicate with City Council members, board members, or the Mayor regarding issues within the scope of services of their contract;
- (3) Officers or other designated representatives of neighborhood or homeowners' associations who communicate with City Council members, board members, or the Mayor regarding issues of concern to the association's membership, so long as the individual is not compensated for such representation;
- (4) Any person who appears before the City Council, a board, or other official as a party in a quasi-judicial proceeding, or an attorney representing a party in a quasi-judicial hearing;
- (5) Any person who communicates with a City Council member, board member, or the Mayor in his or her individual capacity for the purpose of self-representation.

(f) *Principal* means any person, firm, corporation, or other entity, whether for profit or non-profit, which has employed or retained a lobbyist.

Sec. 2-7-2. Lobbyist registration.

The City Clerk shall establish and maintain a lobbyist registry and prepare the form of all affidavits and amendments required to be filed under this chapter. No lobbyist may engage in any lobbying activities until such time as the lobbyist has completed registration with the City Clerk. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on an annual basis thereafter. Registered lobbyists shall amend their registrations to add or withdraw principals before commencing lobbying on behalf of any new principal. Regardless of the date of initial registration, all registrations shall expire on December 31 of each calendar year, and shall be renewed on a calendar year basis. Every lobbyist so required to register shall:

- (1) Pay a registration fee of \$25.00 per principal represented;
- (2) Complete a registration form stating, under oath, the lobbyist's full name, business name, and business address; the name and address of each principal represented; the specific issue(s) on which the lobbyist has been retained to lobby; and the nature and extent of any direct business association or partnership between the lobbyist and any City Council member, board member, or the Mayor.

Sec. 2-7-3. Disclosure; false statements.

- (a) *Disclosure.* Prior to addressing any meeting of the City Council or any board, lobbyists shall verbally disclose that they are registered lobbyists and identify the principal on behalf of whom they are lobbying, and such disclosure shall be recorded in the minutes of the meeting. Should a lobbyist address the City Council or board on more than one occasion during a meeting, such disclosure must be made prior to each instance at which the lobbyist addresses the City Council or board. The City Clerk shall, on a monthly basis, provide City Council members and make available to the public an updated list of

registered

lobbyists.

(b) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying City Council members, board members, or the Mayor.

Sec. 2-7-4. Enforcement.

Violation of this section shall be enforced by application of the penalties set forth in section 1-1-8 of the Code of the City of Pensacola, Florida.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk