

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20020274

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Direct to Public Hearing revised Lee County Lobbying Ordinance.

**WHY ACTION IS NECESSARY:** Public Hearing is required to make ordinance revisions.

**WHAT ACTION ACCOMPLISHES:** Sets the matter for Public Hearing for April 23, 2002.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #** A12B

**3. MEETING DATE:** 04-02-2002

**4. AGENDA:**

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

**TIME REQUIRED:**

**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

STATUTE

ORDINANCE

ADMIN. CODE

OTHER Lee County

Ordinance 89-40 as amended by

Lee County Ordinance 90-07.

**6. REQUESTOR OF INFORMATION:**

**A. COMMISSIONER**

**B. DEPARTMENT** County Attorney's Office

**C. DIVISION**

**BY:** James G. Yaeger  
County Attorney

**7. BACKGROUND:**

Revisions to the Lee County Lobbying Ordinance were discussed at the March 11, 2002 Management and Planning Meeting. The ordinance will be restated without underlining for adoption, with Board directed revisions, to include the new Exhibit "A", Lobbying Log Form.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i> 3/21/02	OM <i>[Signature]</i> 3/21/02	RISK <i>[Signature]</i> 3/21/02	GC <i>[Signature]</i> 3/21/02	<i>[Signature]</i> 3-21-02

**10. COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED

OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
3/20/02

RECEIVED BY  
COUNTY ADMIN.  
3/20 *[Signature]*  
COUNTY ADMIN.  
FORWARDED TO:  
3/21 *[Signature]*

**LEE COUNTY ORDINANCE NO. \_\_\_\_**

AN ORDINANCE RELATING TO LOBBYING ACTIVITIES IN LEE COUNTY; REPEALING ORDINANCES ~~89-11 and 89-13 and 89-24~~ NOS. 89-40 AND 90-07; PROVIDING FOR DEFINITIONS; PROVIDING FOR RECORD-KEEPING RESPONSIBILITIES; ~~PROVIDING FOR ANNUAL REGISTRATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR QUARTERLY LOBBYING STATEMENTS; PROVIDING FOR THE CLERK TO MAINTAIN REGISTRATION, LOBBYING LOGS, AND LOBBYING STATEMENTS; PROVIDING FOR PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES; PROVIDING FOR PENALTIES; ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AND EFFECTIVE DATE.~~

**SECTION ONE**

**REPEALER**

Lee County Ordinances ~~89-11, 89-13 and 89-24~~ Nos. 89-40 and 90-07 are hereby repealed in their entirety.

**SECTION TWO**

**DEFINITIONS**

A. "Lobbying" means communications whether written or oral by a lobbyist, with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the Board, or any county employee, whereby the lobbyist seeks to encourage the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any Decision-Making Body under the jurisdiction of the Board, or which may be presented for consideration by a county employee as a recommendation to the Board or decision-making body.

**DRAFT - FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
MARCH 19, 2002**

B. "Lobbyist" means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this ordinance.

C. "Immediate Family" shall means the lineal descendants, antecedent and the collateral kin of both the individual involved and the spouse of any such person.

D. "Principal" means the person, firm, corporation, or other legal entity which has arranged for a lobbyist to engage in lobbying.

E. "Employee" means:

- (1) County ~~Administrator~~ Manager, Deputy County ~~Administrator~~ Manager, and Assistant County ~~Administrators~~ Managers, and Public Works Director;
- (2) County Attorney, Deputy County Attorney, Chief Assistant County Attorneys, and Assistant County Attorneys;
- (3) Executive Director of the Port Authority;
- (4) Department Heads, Division Heads, and Office Directors.
- (5) All employees within the Purchasing Department with the exception of the secretarial staff.

F. "Decision-Making Body" means any body established by the Board of County Commissioners which is subject to its jurisdiction.

### **SECTION THREE                      RECORD-KEEPING RESPONSIBILITIES**

County Commissioners and employees, as specified in Section Two (E), who make

regulatory decisions or recommendations to the Board of County Commissioners shall be responsible for maintaining a notebook written log which documents each oral lobbying contact communication or meeting with a lobbyist held for the purpose of lobbying. The written log shall be of uniform form (Exhibit "A", hereto). In addition, Commissioners shall document their contact with county employees who are employed in positions which either make recommendations to the Board or make regulatory decisions as a part of their job functions. County employees shall not be required to maintain a record of their contact with Commissioners. The notebook log shall, at a minimum, reflect the name of the lobbyist, or employee(s), the date of the oral lobbying contact communication or lobbying meeting, and the subject matter discussed.

County Commissioners shall deliver their notebooks logs to the Clerk of Court at the end of each quarter and at the conclusion of their final term in office. ~~When re-election is not sought, the notebooks shall be delivered to the Clerk upon the expiration of the Commissioner's term.~~ County employees as designated in Section Two (E) shall must deliver their notebooks logs to the Clerk at the end of each quarter ~~or~~ and upon ~~cessation~~ the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.

Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, ~~shall~~ are not be required to maintain ~~a notebook as specified~~ the logs as described in this section.

All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

**SECTION FOUR**                    **ANNUAL REGISTRATION OF LOBBYISTS**

All lobbyists shall register with the Clerk of the Board of County Commissioners on an annual basis. Every unregistered lobbyist shall register prior to the first occasion such unregistered lobbyist engages in the activity of lobbying as defined in this ordinance. All unregistered lobbyist appearing at public hearings or meetings shall register concurrently with seeking the passage, defeat, modification or repeal of any item which may be presented to the Board or decision-making body. Every person, firm or other entity required to register as a lobbyist shall register on forms prepared by the Clerk's Office. The lobbyist shall state under oath their name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest and the nature and extent of any direct business association or partnership with any current member of the Board, a county employee, or person sitting on a decision-making body under the jurisdiction of the Board of County Commissioners. Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this ordinance.

**SECTION FIVE**                    **EXEMPTIONS**

The following persons are not lobbyists as defined in Section Two, and shall not be

required to register as lobbyists or keep records as lobbyist:

- (A) Lee County employees discussing government business;
- (B) Law enforcement personnel conducting an investigation;
- (C) Persons who communicate with Board members in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement;
- (D) Individuals who appear at public meetings and speak on their own behalf or on behalf of others with whom they have a personal interest in the item being discussed; and
- (E) Consultants under contract with Lee County who communicate with Commissioners or employees regarding issues related to the scope of services in their contract.

**SECTION SIX**                      **QUARTERLY LOBBYING STATEMENT**

All lobbyists shall quarterly submit to the Clerk's Office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the Board of County Commissioners, a county employee or any other person on a decision-making body under the jurisdiction of the Board of County Commissioners. The statement shall be rendered on forms as provided by the Clerk's Office.

**SECTION SEVEN**                      **MAINTAINING REGISTRATIONS AND LOBBYING STATEMENTS**

The Clerk of the Board of County Commissioners shall accept and maintain the

Lobbyist Registrations, and Quarterly Lobbying Statements, and Lobbying Logs, which shall be open for public inspection.

**SECTION EIGHT**            **PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES**

No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in Section Two (E), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

**SECTION NINE**            **PENALTIES**

The penalties for an intentional violation of this ordinance are those as specified in Section 125.69, Florida Statutes, as it may be amended or re-numbered from time to time.

**SECTION TEN**            **SEVERABILITY**

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

**SECTION ELEVEN**            **EFFECTIVE DATE**

This ordinance will become effective immediately upon receipt of official acknowledgment of the Office of Secretary of State of Florida that this ordinance has been

filed with said office.

The foregoing ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and being put to a vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

ATTEST: CHARLIE GREEN  
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney



