

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 5/11/21
 OFMB 5-11-21

[Signature] 5/12/21
 Contract Development and Control
 5-12-21 TW

B. Legal Sufficiency:

[Signature] 5/12/21
 Howard J. Falcon, III
 Chief Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

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ORDINANCE NO

2021 - --

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VIII, OF THE PALM BEACH COUNTY CODE, THE PALM BEACH COUNTY LOBBYIST REGISTRATION ORDINANCE, AS AMENDED; AMENDING SECTION 2-352 (DEFINITIONS); AMENDING SECTION 2-353 (REGISTRATION AND EXPENDITURES); AMENDING SECTION 2-354 (RECORD OF LOBBYING CONTACTS); AMENDING SECTION 2-355 (CONE OF SILENCE); AMENDING SECTION 2-357 (PENALTIES); PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, based on a referendum on November 2, 2010, concerning proposed amendments to the Palm Beach County Charter, a majority of voters in the County and in every municipality in Palm Beach County elected to require the Board of County Commissioners to adopt an ordinance to establish a countywide Commission on Ethics with the authority to review, interpret, render advisory opinions and to enforce the countywide Palm Beach County Code of Ethics, Palm Beach County Lobbyist Registration Ordinance, and Palm Beach County Post-Employment Ordinance, and to provide ethics training for the benefit of local governments, citizens groups and the general public; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted the current Palm Beach County Lobbyist Registration Ordinance, Ordinance 2011-039 on December 20, 2011;

WHEREAS, the Board of County Commissioners finds that the amendments set forth herein advances the purposes and intent of the Palm Beach County Charter amendments approved by the electorate on November 2, 2010; and

35 **WHEREAS**, the Board of County Commissioners of Palm Beach County,
36 pursuant to its authority under Florida Constitution, Article VIII, Section 1 (g), Section
37 125.01, Florida Statutes, the Palm Beach County Charter, hereby amends the Palm Beach
38 County Lobbyist Registration Ordinance; and

39 **WHEREAS**, the Board of County Commissioners has conducted a duly
40 noticed public hearing to consider these amendments as required by law.

41 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**
42 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

43 **Part 1.** Sec. 2-352 is amended as follows:

44 **Sec. 2-352. Definitions.**

45 ***

46 *Board* ~~will~~shall mean the board of county commissioners of Palm Beach County, Florida.

47 *Central Lobbyist Registry ~~Registration Site~~* ~~will~~ shall mean the official location for countywide
48 lobbyist registration.

49 *County commissioner* ~~will~~shall mean any member of the board of county commissioners of Palm
50 Beach County, Florida.

51 ***

52 *Lobbyist* shall mean any person who is employed and receives payment, or who contracts for
53 economic consideration, or who registers in the county's central lobbyist registration registry or
54 with any municipality, for the purpose of lobbying on behalf of a principal, and shall include an
55 employee whose principal responsibility to the employer is overseeing the employer's various
56 relationships with government or representing the employer in its contacts with government.

57 "*Lobbyist*" shall not include:

58 ***

59 (2) Any person who is retained or employed for the purpose of representing an employer,
60 principal or client only during a publicly noticed quasi-judicial hearing or comprehensive
61 plan hearing, provided the person identifies the employer, principal or client at the hearing,
62 and providing that the person is not otherwise registered as a lobbyist in the county's
63 central lobbyist registration database, or with any municipal lobbyist registration system
64 when that municipality has its own lobbyist registration process.

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66 *Local Municipal Governing Body* ~~will~~shall mean the councils and commissions of the
67 municipalities located within Palm Beach County, Florida.

68 *Member of Local Municipal Governing Body* ~~will~~shall mean any member of the municipal
69 council or commission.

70 *Official or employee* means any official or employee of the county or the municipalities located
71 within the county, whether paid or unpaid. The term "employee" includes but is not limited to all
72 managers, department heads and personnel of the county or the municipalities located within the
73 county. ~~The term also includes contract personnel and contract administrators performing a~~
74 ~~government function, and chief executive officer who is not part of the local governing body.~~The
75 term also includes volunteers of the county or the municipalities located within the county when
76 such volunteers exercise discretionary police, fire, or parking enforcement department authority.
77 The term "employee" also includes the chief executive officer of the county or any municipality,
78 who is not part of the local governing body. If the county or municipality utilizes and contracts for
79 "privatized" chief administrative officers or chief executive officers, then the person providing
80 such services, or the officers, directors and employees of any entity providing such services, shall
81 be considered the employees of the county or municipality that he or she serves. However, it shall
82 not include local government attorneys as defined in Florida Statutes § 112.313, or attorneys who

83 render contracted services to the county or municipality that are limited in scope to a specific issue
84 or subject, to specific litigation, or to a specific administrative proceeding. The term “official”
85 shall mean members of the board of county commissioners, a mayor, members of local municipal
86 governing bodies, and members appointed by the board of county commissioners, members of
87 local municipal governing bodies or mayors or chief executive officers that are not members of
88 local municipal governing body; as applicable, to serve on any advisory, quasi-judicial, or any
89 other board of the county, state, or any other regional, local, municipal, or corporate entity.

90 **Part 2.** Sec. 2-353 is amended as follows:

91 **Sec. 2-353. Registration and expenditures.**

92 *(a) Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully
93 executed registration form to county administration, which shall serve as the official
94 location for countywide lobbyist registration and which shall be known as the “Central
95 Lobbyist ~~Registration Site~~Registry.” The registration may be submitted in paper or
96 electronic form pursuant to countywide policies and procedures. Each lobbyist is required
97 to submit a separate registration for each principal represented. A registration fee of
98 twenty-five dollars (\$25) must be included with each registration form submitted. A
99 registrant, or principal who is represented by the registrant, shall promptly send a written
100 statement to county administration canceling the registration for a principal upon
101 termination of the lobbyist's representation of that principal. This statement shall be signed
102 by the lobbyist or principal. Lobbying prior to registration is prohibited. It is the
103 responsibility of the lobbyist to keep all information contained in the registration form
104 current and up to date.

105 ***

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107 *(d) Reporting of expenditures.* Commencing ~~November 2011~~August 31, 2021, and by
108 ~~November~~February 1 of each year thereafter, all lobbyists shall submit to the Central
109 Lobbyist ~~Registration Site~~Registry a signed statement under oath listing all expenditures
110 made by the lobbyist in lobbying county or municipal officials and employees in excess of
111 twenty-five dollars (\$25) for the preceding ~~fiscal~~calendar year. ~~commencing on October 1~~
112 ~~and ending on September 30~~. A statement shall not be required to be filed ~~even~~ if there
113 have been no expenditures in excess of twenty-five dollars (\$25) during the reporting
114 period. The statement shall list in detail each expenditure category, including food and
115 beverage, entertainment, research, communications, media advertising, publications,
116 travel, lodging and special events. Political contributions and expenditures which are
117 reported under election laws as well as campaign-related personal services provided
118 without compensation are excluded from the reporting requirements. A lobbyist or
119 principal's salary, office overhead expenses and personal expenses for lodging, meals and
120 travel also are excluded from the reporting requirements. Research is an office expense
121 unless it is performed by independent contractors rather than by the lobbyist or the
122 lobbyist's firm.

123 (1) The county administrator of the Central Lobbyist ~~Registration Site~~Registry shall
124 provide notice of violation to any lobbyist who fails to timely file an expenditure report
125 ~~and shall also notify the county commission on ethics of this failure~~. In addition to any
126 other penalties which may be imposed under this article, any lobbyist who fails to file
127 the required expenditure report within thirty (30) days of the date of notice of violation
128 shall be suspended from lobbying unless the notice of violation has been appealed to
129 the commission on ethics.

130 ***

131 **Part 3.** Sec. 2-354 shall be amended as follows:

132 **Sec. 2-354. Record of lobbying contacts.**

133 *(a) Contact log.* Except when appearing before the board, local municipal governing body, or
134 any advisory board, all persons shall sign, for each instance of lobbying, contact logs
135 maintained and available in the office of reception of each department of county or
136 municipal government as applicable. The person shall provide his or her name, whether or
137 not the person is a lobbyist as defined in this article, the name of each principal, if any,
138 represented in the course of the particular contact, and the subject matter of the lobbying
139 contact. All contact logs shall be maintained by the County or municipality as applicable
140 for a period of five (5) ~~fiscal~~calendar years.

141 **Part 4.** Sec.2-355

142 **Sec. 2-355. Cone of silence.**

143 (f) The cone of silence shall terminate at the time the board, local municipal governing body,
144 or a county or municipal department authorized to act on behalf of the board or local municipal
145 governing body as applicable, awards or approves a contract, rejects all bids or responses, or
146 otherwise takes action ~~which~~that ends the solicitation process.

147 **Part 5.** Sec. 2-357 is amended as follows:

148 **Sec. 2-357. Penalties**

149 Violations of this article shall be punishable as follows:

150 ***

151 (5) Any person who violates the provisions of this article regarding yearly reporting of
152 expenditures as required shall result in a suspension of lobbying activity until such time as
153 the required expenditure report is filed. A first violation shall also include a suspension of
154 all lobbying activity for an additional 90 days beyond the point the expenditure report is

155 filed. A second violation shall result in a suspension from lobbying for an additional 180
156 days. Three or more violations shall result in a permanent suspension from lobbying; a
157 petition for reinstatement may be filed with the commission on ethics 365 days after
158 permanent suspension is ordered.

159 ~~(5)~~(6) A violation of any provisions of this article not related to expenditure reporting more
160 than once during a twelve-month period shall result in being prohibited from lobbying as
161 follows: A second violation shall result in a prohibition of one (1) year; a third violation shall
162 result in a prohibition of two (2) years.

163 ~~(6)~~(7) The penalties provided in this section shall be exclusive penalties imposed for any
164 violation of the registration, contact log, and code of silence requirements of this article.
165 Willful and knowing violations of this article shall be referred by the commission on ethics to
166 the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant
167 to Florida Statutes, §125.69. Failure or refusal of any lobbyist to comply with any order of the
168 commission on ethics shall be punishable as provided by law, and shall otherwise be subject
169 to such civil remedies as the county or municipality as applicable may pursue, including
170 injunctive relief.

171 **Part 6. Savings Clause.**

172 All complaints, investigations, advisory opinions, recommended orders, final orders,
173 requests for advisory opinions, hearing processes, and all other functions of the Palm Beach County
174 Commission on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or
175 2011-39, as may be amended, shall remain in full force and effect.

176 **Part 7. Repeal of Laws in Conflict.**

177 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
178 repealed to the extent of such conflict.

179 **Part 8. Severability.**

180 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
181 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect
182 the remainder of this Ordinance.

183 **Part 9. Inclusion in the Code of Laws and Ordinances.**

184 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
185 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
186 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article,"
187 or other appropriate word.

188 **Part 10. Enforcement.**

189 This Ordinance is enforceable by all means provided by law. Additionally, the County
190 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
191 Beach County.

192 **Part 11. Penalty.**

193 Any violation of any portion of this Ordinance shall be punishable as provided by law.

194 **Part 12. Effective Date.**

195 The provisions of this Ordinance shall become effective on July 1, 2021.

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203 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach

204 County, Florida, on this the ____ day of _____, 2021.

205 ATTEST:
206 JOSEPH ABRUZZO, CLERK
207 OF THE CIRCUIT COURT
208 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

209
210
211 By: _____
212 Deputy Clerk

By: _____
Dave Kerner, Mayor

213
214
215 (SEAL)

216
217 APPROVED AS TO FORM AND
218 LEGAL SUFFICIENCY

219
220
221 By: _____
222 County Attorney

223
224 Filed with the Department of State on the ____ day of _____, 2021.