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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING CHAPTER 68 OF THE ALACHUA COUNTY CODE REQUIRING REGISTRATION OF LOBBYISTS; PROVIDING FINDINGS IN SUPPORT OF THE ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS AND EXCEPTIONS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

SECTION 1. Chapter 68 of the Alachua County Code is hereby created and entitled, "Lobbyist Registration", which shall read in its entirety as follows:

Sec. 68.01. Intent and purpose, legislative findings.

The County Commission of Alachua County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence county commissioners, on matters within its official jurisdiction, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

Sec. 68.02. Definitions.

Agency means any federal, state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

Clerk means the Alachua County Clerk of the Circuit Court.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

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2 *Lobbying* means communicating directly or indirectly, either in person, by telephone or by
3 letter, or any other form of communication, with any county commissioner, where the lobbyist
4 seeks to encourage the passage, defeat, modification, or repeal of any item which may be
5 presented for a vote before the county commission. Lobbying shall include communication
6 occurring at a public meeting of the commission.
7

8 *Lobbyist* means a person who, for the purpose of lobbying, is (a) retained, for monetary or
9 non-monetary compensation; (2) employed by another person or entity principally to lobby on
10 behalf of that other person or entity; or (3) who contracts for present or future economic
11 consideration of any kind.
12

13 *Person* means any individual, business, corporation, association, firm, partnership, not-for-
14 profit organization, or other organization or group.
15

16 **Sec. 68.03. Registration of lobbyists required; registration statements.**
17

18 (a) *Registration required.* All lobbyists, as defined herein, shall register with the clerk
19 prior to engaging in any lobbying and annually by July 1st thereafter. If, after filing the
20 registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the
21 registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of
22 such unlisted person(s), file an amendment to the registration statement. A lobbyist is required to
23 promptly amend any filed registration statement if any information in the statement changes.
24

25 (b) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with
26 the clerk a registration statement containing the following information:
27

28 (1) The lobbyist's full name, residence address, business name, business
29 address and nature of business.
30

31 (2) The full name and address of all persons on whose behalf the lobbyist will
32 be lobbying.
33

34 (3) The general and specific subject matters which the lobbyist seeks to
35 influence.
36

37 (4) The extent of any direct business association by the lobbyist with any
38 current elected or appointed official or employee of Alachua County. For the purposes of this
39 article, the term "direct business association" shall mean any mutual endeavor undertaken for
40 profit or compensation.
41

42 (5) A lobbyist representing a group, association, or organization shall, prior to
43 engaging in lobbying, receive appropriate authorization from said group, association, or
44 organization to lobby on its behalf upon a particular subject matter. A copy of the applicable

1 minutes, motion, or other documentation of action shall be attached to the statements required by
2 paragraph (a) of this section.

3
4 (6) Each firm, corporation or other legal entity, may register in the name of
5 such firm, corporation or legal entity, provided the registration shall list the names of all persons
6 which may engage in lobbying.

7
8 (c) *Registration Fee.* The clerk may charge a reasonable fee at the time of initial
9 registration and each annual registration. There shall be no fee required for the filing of an
10 amendment.

11
12 (d) *List of current lobbyists.* The clerk shall maintain a current list of registered
13 lobbyists and the registration statements required under this section, all of which shall be open
14 for public inspection.

15
16 (e) *Disclosure of registration.* Prior to engaging in a communication that is for the
17 purpose of lobbying, a lobbyist shall disclose that he or she is a registered lobbyist and state on
18 whose behalf the lobbyist is lobbying.

19
20 **Sec. 68.04. Exceptions.**

21
22 The following persons are not required to register as a lobbyist pursuant to this chapter:

23
24 (1) Any employee, public officer or appointee of an agency, acting in the normal
25 course of his or her duties;

26
27 (2) An attorney, or any person, who represents a client in a quasi-judicial hearing
28 before an agency, board, or commission who communicates on the record;

29
30 (3) Consultants under contract with Alachua County who communicate with
31 commissioners regarding issues related to the scope of services in their contract;

32
33 (4) Those persons who, in their individual capacity and without compensation of any
34 kind, merely communicate with the county commission for the purpose of self representation;

35
36 (5) Any person who appears as a representative of a not-for-profit community based
37 organization for the purpose of requesting a grant, funds or in-kind services.

38
39 **Sec. 68.05. Penalties.**

40
41 (a) If the county manager, or his or her designee, becomes aware of any person
42 engaged in lobbying who has failed to comply with the requirements of this chapter, including
43 the requirement to file an amended registration statement, he or she shall mail a notice of
44 violation by certified mail, return receipt requested, to the person informing them of the

1 requirements of this chapter, outlining the process by which they may comply with the chapter,
2 and providing them with the right to contest the violation.

3
4 (b) There shall be no penalty assessed against a lobbyist the first time any registration
5 statement for which the lobbyist is responsible, including an amended registration statement, is
6 not filed. However, to receive the one-time penalty waiver, the registration statement must be
7 filed within 14 days of receipt of the notice of violation.

8
9 (c) If the required registration statement is not filed within 14 days of receipt of the
10 notice of violation, the matter will be brought before the commission for a hearing after
11 reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be
12 heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the
13 county commission may warn, reprimand, or censure the violator or may suspend or prohibit the
14 violator from appearing on behalf of any employer before the commission for a period of time
15 not to exceed one year. The county commission may also rescind the notice of violation if it
16 deems appropriate.

17
18 (d) The intentional failure or refusal of any lobbyist to comply with any order of the
19 commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to
20 such civil remedies as the county may pursue, including injunctive relief.

21
22 (e) The validity of any action taken by the county commission shall not be affected by
23 the failure of any person to comply with the provisions of this chapter.

24
25 SECTION 2. Severability. If any section, phrase, sentence or portion of this ordinance is
26 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
27 portion shall be deemed a separate, distinct, and independent provision, and such holding shall
28 not affect the validity of the remaining portions hereof.

29 SECTION 3. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
30 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
31 of this ordinance shall become and be made a part of the Code of Laws and Ordinances of
32 Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to
33 accomplish such intention; and that the word "ordinance" may be changed to "section," "article,"
34 or other appropriate designation. The correction of typographical errors which do not affect the

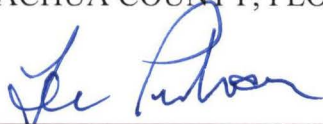
1 intent of the ordinance may be authorized by the County Manager or designee without public
2 hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

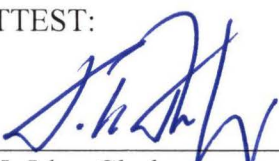
3 SECTION 4. Effective Date. A certified copy of this ordinance shall be filed with the
4 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
5 after enactment by the Board of County Commissioners, and shall take effect upon filing with the
6 Department of State.


7 SECTION 5. Modification. It is the intent of the Alachua County Board of County
8 Commissioners that the provisions of this ordinance may be modified as a result of consideration
9 that may arise during an advertised public hearing. Such modifications shall be incorporated into
10 the final version of the ordinance adopted by the Board and filed by the Clerk of the Board of
11 County Commissioners pursuant to Section 4.

12 DULY ADOPTED in regular session, this 10th day of June, A.D., 2014.

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14
15 BOARD OF COUNTY COMMISSIONERS
16 OF ALACHUA COUNTY, FLORIDA

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18
19 By: 
20 _____
Lee Pinkoson, Chair

21 ATTEST:
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24 
25 _____
J.K. Irby, Clerk
26 (SEAL)
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28

APPROVED AS TO FORM


Alachua County Attorney