

Chapter 29 LOBBYIST REGISTRATION ACT¹

Sec. 29-1. Intent and purpose.

The city commission of the City of Gainesville, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal 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 city commissioners or board members of the community redevelopment agency (CRA), on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-2. 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.

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

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or board member of the CRA, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission or the CRA.

Lobbyist means any person who is employed and receives payment, or who contracts for present or future economic consideration of any kind, for the purpose of lobbying.

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

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-3. Registration of lobbyists required; registration statements.

- (a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the clerk of the commission a registration statement containing the following information:

¹Editor's note(s)—Prior to the reenactment of Ch. 29Editor's note(s)— by Ord. No. 070688, adopted July, 28, 2008, section 4 of Ord. No. 3777, adopted June 10, 1992, repealed former Ch. 29Editor's note(s)—, which pertained to zoning and was derived from Ord. No. 2650, adopted Oct. 26, 1981, as amended. For a detailed listing of amendments to Ord. No. 2650 see the Code Comparative Table for Ordinances at the end of this volume.

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- (1) The lobbyist's full name, residence address, business address, and nature of business.
 - (2) The full name and address of his or her employer, if any.
 - (3) The general and specific subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Gainesville. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section,
- (b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission or the CRA.
- (c) *List of current lobbyists.* The clerk of the commission shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.
- (Ord. No. 070688, § 1, 7-28-08)

Sec. 29-4. Exceptions.

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

- (1) Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties;
- (2) An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, CRA or commission;
- (3) Those persons who, in their individual capacity and without compensation of any kind, merely communicate with the city commission or board members of the CRA for the purpose of self representation;
- (4) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-5. Penalties.

- (a) If the clerk of the commission, or their designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation.
- (b) There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation.
- (c) If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be

afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or the CRA for a period of time not to exceed one year. The city commission may also rescind the notice of violation if it deems appropriate.

- (d) The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the city may pursue, including the issuance of a civil citation and/or injunctive relief.
- (e) The validity of any action taken by the city commission or the CRA shall not be affected by the failure of any person to comply with the provisions of this chapter.

(Ord. No. 070688, § 1, 7-28-08)