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2 **AN ORDINANCE AMENDING SECTION 2.191 OF ARTICLE XXIX**  
3 **(LOBBYISTS) OF CHAPTER TWO OF THE CODE OF THE CITY OF**  
4 **ORLANDO BY DELETING THE CURRENT PROVISIONS AND**  
5 **ADDING NEW DEFINITIONS, PROHIBITION, REGISTRATION AND**  
6 **REPORTING REQUIREMENTS, AND PENALTY PROVISIONS;**  
7 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,  
9 FLORIDA:

10 SECTION ONE: Section 2.191 of Article XXIX of Chapter 2 of the Code of the  
11 City of Orlando is deleted in its entirety and a new Section 2.191 is added as follows:

12 **ARTICLE XXIX. LOBBYISTS**

13 **Sec. 2.191. Definitions, Registration, and Reporting Requirements for Lobbyists; Penalties.**

14 *(1) Definitions.*

15 *Compensation* means monetary consideration of any kind, either received or expected,  
16 including but not limited to, salary, payment, retainer, commission, consideration of any type,  
17 forbearance, forgiveness or any combination thereof. For purposes of this section, compensation  
18 shall only include something of monetary value.

19 *Lobbying* means any communication, written or oral, or any meeting or discussion by a  
20 Lobbyist with any member of City Council, Staff Decision Maker or board member wherein  
21 there is communicated, disclosed or discussed any matter which is or may be pending before  
22 City Council, Staff Decision Maker or the respective board in order to influence the action or  
23 inaction of the City Council, Staff Decision Maker or the respective board. The definition of  
24 lobbying includes appearances before City Council and boards but does not include the act of  
25 filing an application on behalf of or as authorized agent for another.

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3       *Lobbyist* means any person who shall engage in lobbying as defined herein for  
4 compensation for (1) an entity other than his or her employer; or (2) for any entity including his  
5 or her employer if a principal function of his or her position is lobbying or governmental  
6 relations.

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8       *Staff Decision Makers* means the following employees of the City of Orlando who have  
9 been delegated final decision making authority by ordinance to make decisions on behalf of the  
10 City, when they are acting within the scope of that final decision making authority: Appearance  
11 Review Officer, Building Official, Deputy Building Official, City Engineer, Fire Marshall,  
12 Historic Preservation Officer, Planning Official, Transportation Engineer, Vehicle for Hire  
13 Administrator and Zoning Official.

14       (2) *Prohibitions on Lobbying of Board Members.*

15       Lobbying of the members of all City boards by Lobbyists shall be prohibited outside of  
16 open, posted public meetings; provided however, in advance of any City board meeting,  
17 Lobbyists may provide written documents and information to the Recording Secretary of any  
18 City Board for dissemination to all Board members. Lobbying at public meetings shall be subject  
19 to the registration and reporting requirements set forth in paragraphs 3 and 4 of this section.  
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21       The prohibitions and requirements in this Article are in addition to the City's Public  
22 Works and Office of Purchasing & Materials Management policies that prohibit proposers from  
23 any and all communication regarding the procurement process with Council members, selection  
24 committee members, and City staff until Final Award is made, except through the assigned staff  
25 member.

1           (3) *Registration.*

2           All Lobbyists shall register at the time of lobbying or no later than the next City business  
3 day from the date of such lobbying. Such registration shall provide the Lobbyist's name and  
4 business address and the name and business address of the person, firm, corporation, principal or  
5 other entity providing compensation to the Lobbyist. Such registration shall be on forms  
6 provided by the City Clerk and maintained in the offices of the City Clerk for storage and public  
7 inspection. This registration requirement shall apply to all activity by Lobbyists whether it takes  
8 place in City offices or outside City offices.  
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10           (4) *Reporting.*

11           A Lobbyist shall on or before February 1 and August 1 of each year submit to the City  
12 Clerk's office a signed statement, executed under oath, listing all lobbying expenditures  
13 involving City Council, Staff Decision Makers, and/or City boards for the preceding six month  
14 period (January- June, July-December), the source of the funds and an itemization of the amount  
15 expended for each member of City Council, Staff Decision Makers, and/or board member by  
16 each registered Lobbyist. Lobbyists who have incurred no City lobbying expenses during the  
17 preceding period shall not be required to file a report. It shall be the responsibility of the  
18 Lobbyist to obtain this form from the City Clerk's office. The City Clerk shall maintain such  
19 filings available and open for public inspection. Any Lobbyist required to file a report who fails  
20 to file on or before the due date for the previous period, in addition to any other penalty provided  
21 for herein shall not be permitted to engage in any Lobbying activity until their reports are  
22 brought current.  
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24           (5) *Exceptions.*

25           The following categories of persons shall be exempt from the registration and reporting  
requirements set forth in paragraph 3 of this section.

- 1 (A) Employees or representatives of any federal, state, county, municipal or  
2 independent authority discussing the business of their government or  
3 authority;
- 4 (B) An elected official or government employee acting in his official capacity  
5 or in connection with his job responsibilities;
- 6 (C) Law enforcement personnel conducting an active investigation;
- 7 (D) Persons or representatives of organizations contacted by the City Council  
8 member when such contact is initiated by the member;
- 9 (E) A person who appears under compulsion or subpoena by the City Council,  
10 Board or staff member of a board;
- 11 (C) Any person in contractual privity with the City who appears only in his or  
12 her official contractual capacity in connection with the performance of the  
13 current contract.

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15 (5) *Violations/penalties.*

16 Violation of any provision of this section shall be punishable as provided in section 1.08,  
17 Orlando City Code. Failure of any Lobbyist to comply with the provisions of this section shall  
18 not in any way effect the validity of any action taken by City Council or any City official.

19 SECTION TWO: If any section, subsection, sentence, clause, phrase or provision of  
20 this section is for any reason held invalid or unconstitutional by any court of competent  
21 jurisdiction, such holding shall not an [and] cannot be construed to render the remaining  
22 provisions of this section invalid or unconstitutional.  
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1 SECTION THREE: This ordinance shall take effect at 12:01 a.m. on the tenth (10<sup>th</sup>)  
2 day following second reading and adoption.

3 ADVERTISED: August 8, August 25 and September 13, 2002.

4 READ FIRST TIME: September 9, 2002.

5 READ SECOND TIME AND ADOPTED: September 23, 2002.

6  
7 /s/ Daisy W. Lynum

8 Mayor Pro Tem

9 ATTEST:

/s/ Candice J. Crawford

10 Candice J. Crawford, City Clerk

11 APPROVED AS TO FORM AND LEGALITY

12 for the use and reliance of the

13 City of Orlando, Florida, only.

September 30, 2002.

14 /s/ Amy Iennaco

15 Assistant City Attorney

16 Orlando, Florida