

Ms. Evelyn Langlieb Greer, Board Member

SUBJECT: CAMPAIGN REFORM

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

This item proposes that the Board schedules a workshop on, and adopts a revised Board rule pertaining to, campaign finance.

Under current Board rules, Board members and candidates for Board seats are permitted to solicit campaign contributions directly from vendors and persons doing business with the District. Although most vendor selection is made based upon recommendations from the administration following a staff process of review, the direct solicitation of vendors by Board members and candidates directly contributes to the public perception that campaign contributions influence the awarding of contracts. This perception is reinforced when campaign finance disclosures show long lists of active vendors making substantial campaign contributions to Board members and to candidates for Board seats.

During the last election, I declined to accept campaign contributions from persons or companies that did business with the School District and I required every contributor to sign a statement affirming that they did not do business with the School District. This practice helped educe the perception that I would be indebted to certain vendors if elected.

The Board and the District are proud of the numerous changes to operations which have promoted public perception that the Board has "cleaned up its act." The institution of a Code of Ethics, mandatory District-wide ethics training, the implementation of a transparent construction program with on-line viewing and the placement of Board agendas and District information on line where it may be reviewed by the public have all contributed to this change in perception.

I request that the Board hold a Workshop to consider the following issues which may lead to changes in Board rules and procedures:

1. Campaign Finance Reform. The Board should consider revising the rules under which candidates are permitted to solicit money directly from current vendors doing business with the District. Attached, as an example is the City of Miami Beach ordinance which prohibits such solicitation. (Attachment #1)

2. Mandatory Campaign Finance Report Electronic Filing. The Board should consider requiring that campaign finance reports be submitted electronically, so that campaign contributor lists can be viewed by the public on line. At this time, reports of Board candidates are filed on paper. Attached, for your information is the Miami-Dade County Electronic Filing requirements. (Attachment #2)
3. Lobbyist registration requirements. The Board should consider revising the current lobbyist filing requirements to provide for a system that more closely resembles the Miami-Dade County system, for a fee that is substantially higher than the current fee, for elimination of annual registration which wastes personnel, for update of the registration forms and for electronic filing so that lobbyist information is online. . Attached, for your information is the Miami-Dade County Lobbyist Filing requirements. (Attachment #3)

**ACTION PROPOSED BY
MS. EVELYN LANGLIEB GREER:**

That The School Board of Miami-Dade County,
Florida:

1. Conduct a School Board Workshop as follows:
 - a. consider revising the rules under which candidates are permitted to solicit money directly from current vendors doing business with the District;
 - b. consider requiring that campaign finance reports be submitted electronically;
 - c. consider revising the current lobbyists filing requirements.
 - d. to consider such other changes in campaign and lobbying rules as the Board may, upon consideration, may feel appropriate.

DIVISION 5. CAMPAIGN FINANCE REFORM

Sec. 2-487. Prohibited campaign contributions by vendors.

A. *General.*

(1) (a) No vendor shall give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner. Commencing on the effective date of this ordinance, all proposed city contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), or bids issued by the city, shall incorporate this section so as to notify potential vendors of the proscription embodied herein.

(b) No candidate or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a vendor. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the procurement division's city records (including City of Miami Beach website) to verify the vendor status of any potential donor.

(2) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions deposited by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

(3) (a) Disqualification from serving as vendor.

1. A person or entity other than a vendor who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the city.

2. i. A vendor who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from serving as a vendor with the city for a period of 12 months from a final finding of violation, or from action on a waiver request by the Miami Beach City Commission (per subsection B herein below) in the event a waiver of said violation is sought.

ii. In the event such waiver request for a particular transaction is granted, the affected vendor shall nonetheless be disqualified from serving as a vendor with the city as to all other vendor projects for the stated 12-month period. In the event such waiver request is denied for a particular transaction, the 12-month disqualification period shall apply to both the particular transaction which was the subject of the waiver request, as well as all other vendor projects during that 12-month period.

(b) Definition. For purposes of this section, the term "disqualified" shall be defined to include:

1. Termination of a donor/vendor's existing contract with the city, subject to the waiver provisions of subsections B(1)(d) and B(2) herein; and

2. Disqualification of a donor's response to solicitation requests for prospective vendor contracts with the city, subject to the waiver provisions of subsections B(1)(a), (b) and (c) herein.

(4) As used in this section:

(a) 1. A "vendor" is a person and/or entity who has been selected by the city as the successful bidder on a present or pending bid for goods, equipment or services, or has

been approved by the city on a present or pending award for goods, equipment or services, prior to or upon execution of a contract, purchase order or standing order.

2. "Vendor" shall include natural persons and/or entities who hold a controlling financial interest in a vendor entity. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm. The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

3. For purposes of this section, "vendor" status shall terminate upon completion of the agreement for the provision of goods, equipment or services.

(b) For purposes of this section, the term "services" shall mean the rendering by a vendor through competitive bidding or otherwise, of labor, professional and/or consulting services to the city.

(c) The term contribution shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented (copies available in city clerks office).

B. *Waiver of prohibition.*

(1) *Conditions for waiver.* The requirements of this section may be waived by a five-sevenths vote for a particular transaction by city commission vote after public hearing upon finding that:

(a) The goods, equipment or services to be involved in the proposed transaction are unique and the city cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or

(b) The business entity involved in the proposed transaction is the sole source of supply as determined by the city's procurement director in accordance with procedures established in subsection 2-367(c) of this Code; or

(c) An emergency contract (as authorized by the city manager pursuant to section 2-396 of this Code) must be made in order to protect the health, safety or welfare of the citizens of the city, as determined by a five-sevenths vote of the city commission; or

(d) A contract for the provision of goods, equipment or services exists which, if terminated by the city, would be adverse to the best economic interests of the city.

(2) *Conditions for limited waiver.* Notwithstanding the denial by the city commission of a waiver request regarding an existing contract per subsection B(1)(d) above, upon a five-sevenths vote of the city commission at a public hearing, a limited waiver may be granted on an existing contract upon a finding that in order to protect the health, safety and welfare of the citizens of the city, continuation of said contract for a limited period of time (not to exceed six months) is necessary in order for the city to obtain a replacement vendor.

(3) *Full disclosure.* Any grant of waiver by the city commission must be supported with a full disclosure of the subject campaign contribution.

C. *Applicability.* This section shall be applicable only to prospective transactions, and the city commission may in no case ratify a transaction entered into in violation of this section.

(Ord. No. 2000-3244, § 1, 5-10-00; Ord. No. 2003-3389, § 1, 1-8-03; Ord. No. 2004-3446, § 1, 5-26-04; Ord. No. 2005-3486, § 1, 6-8-05)

Sec. 2-488. Prohibited campaign contributions by lobbyists on procurement issues.

(1) No lobbyist on a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services shall solicit for or give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner.

(a) Commencing on the effective date of this ordinance, all proposed city contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), or bids issued by the city, shall incorporate this section so as to notify lobbyists of the proscription embodied herein.

(b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a lobbyist subject to the provisions of this ordinance. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the city clerk's records to verify the lobbyist status of any potential donor.

(2) (a) A person other than a lobbyist on a procurement issue as set forth in subsection (1) above, who directly or indirectly solicits for or makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from lobbying the city commission in connection with a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services.

(b) A lobbyist on a procurement issue as set forth in subsection (1) above, who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from lobbying the city commission in connection with a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services for a period of 12 months from a final finding of violation.

(3) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of soliciting, giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions received by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

(4) The term "contribution" shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented.

(Ord. No. 2003-3393, § 1, 2-5-03; Ord. No. 2005-3486, § 2, 6-8-05)

Sec. 2-489. Prohibited campaign contributions by real estate developers.

A. *General.*

(1) (a) No real estate developer shall give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner. Commencing on the February 15, 2003, all applications for development agreements and for changes in zoning map designation as well as future land use map changes shall incorporate this section so as to notify potential real estate developers of the proscription embodied herein.

(b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign

contribution directly or indirectly from a real estate developer. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the city planning department's records (including city of Miami Beach website) to verify the real estate developer status of any potential donor.

(2) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions deposited by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

(3) (a) A person or entity other than a real estate developer who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from becoming a real estate developer.

(b) 1. A real estate developer who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from becoming a real estate developer for a period of 12 months from a final finding of violation, or from action on a waiver request by the Miami Beach City Commission in the event a waiver of said violation is sought.

2. In the event such waiver request for a particular real estate project and/or land use application is granted, the affected real estate developer shall nonetheless be disqualified from serving as a real estate developer with the city as to all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)(1) below for the stated 12-month period. In the event such waiver request is denied for a particular real estate project and/or land use application, the 12-month disqualification period for the affected real estate developer shall apply to both the particular real estate project and/or land use application which was the subject of the waiver request, as well as all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)(1) below during that 12-month period.

(c) A real estate developer shall not make a contribution within 12 months after termination of its status as a real estate developer.

(4) As used in this section:

(a) 1. A "real estate developer" is a person and/or entity who has a pending application for a development agreement with the city or who is currently negotiating with the city for a development agreement, or, who has a present or pending application with the city for a change of zoning map designation or a change to the city's future land use map.

2. "Real estate developer" shall include natural persons and/or entities who hold a controlling financial interest in a real estate developer entity. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm. The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

3. For purposes of this section, "real estate developer" status shall terminate upon the final approval or disapproval by the city commission of the requested development agreement, and/or upon final approval or disapproval of the subject application for the land use relief, referred to in subsection (4)(a)1. above.

(b) The term "development agreement" shall have the meaning ascribed to such term in F.S. ch. 163, as amended and supplemented. For purposes of this section, the term

"development agreement" shall include any amendments, extensions, modifications or clarifications thereto.

(c) The term contribution shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented.

B. *Conditions for waiver of prohibition.* The requirements of this section may be waived by a five-sevenths vote for a particular real estate project and/or land use application by city commission vote after public hearing upon finding that such waiver would be in the best interest of the city.

Any grant of waiver by the city commission must be supported with a full disclosure of the subject campaign contribution.

C. *Applicability.* This section shall be applicable only to prospective real estate projects and/or applications for land use relief, and the city commission may in no case ratify a development agreement and/or application for land use relief entered into in violation of this section.

(Ord. No. 2003-3394, § 1, 2-5-03; Ord. No. 2005-3486, § 3, 6-8-05)

Sec. 2-490. Prohibited campaign contributions by lobbyists on real estate development issues.

(1) No lobbyist on a pending application for a development agreement with the city, or application for change of zoning map designation or change to the city's future land use map shall solicit for or give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner.

(a) Commencing on the effective date of this ordinance, all applications for development agreements and for changes in zoning map designation or future land use map changes, shall incorporate this section so as to notify affected lobbyists of the proscription embodied herein.

(b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a lobbyist subject to the provisions of this section. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the city clerk's and planning department's records to verify the lobbyist status of any potential donor.

(2) (a) A person other than a lobbyist on a real estate development issue as set forth in subsection (1) above, who directly or indirectly solicits for or makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from lobbying the city commission in connection with a present development agreement, in connection with a development agreement that is currently being negotiated, or in connection with a present or pending application with the city for a change of zoning map designation or a change to the city's future land use map.

(b) A lobbyist on a real estate development issue as set forth in subsection (1) above, who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from lobbying the city commission in connection with a present development agreement, in connection with a development agreement that is currently being negotiated, or in connection with a present or pending

application with the city for a change of zoning map designation or a change to the city's future land use map for a period of 12 months from a final finding of violation.

(3) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of soliciting, giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions received by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

(4) The term "contribution" shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented.

(5) The term "development agreement" shall have the meaning ascribed to such term in F.S. ch 163, as amended and supplemented.

(6) The term "lobbyist" as used herein shall exclude any person who only appears as a representative of a nonprofit corporation or entity, without special compensation or reimbursement for the appearance, whether direct or indirect, to express his/her support of or opposition to the subject item.

(Ord. No. 2003-3395, § 1, 3-5-03; Ord. No. 2005-3486, § 4, 6-8-05)

Secs. 2-491--2-510. Reserved.

Candidates for County Mayor, Board of County Commissioners,
and Community Council



Mandatory Campaign Finance Report
Electronic Filing Requirements

Pursuant to Ordinance 00-72, beginning with the 2002 election cycle, all candidates for Mayor, Board of County Commissioners, and Community Council will be required to file campaign treasurer reports on diskette. This policy will give the public easier access to campaign finance information by facilitating the timely posting of such information on the Internet. Campaign finance information will be available on our webpage at: <http://elections.miamidade.gov>.

The Miami-Dade Elections Department has developed three options for candidates to file their reports on diskette. The first two methods will be provided to the candidate by the Miami-Dade Elections Department.

- ◆ Option 1: a template for use with Microsoft Access. This can only be used if the candidate has Microsoft Access software.
- ◆ Option 2: OmniForm template and does not require a separate software package.
- ◆ Option 3: Electronic filing software that meets the specifications established by the Division of Elections which can be purchased by the candidate from one of the vendors on the Division of Elections list.

All options enable the candidate to prepare the Itemized Contributions and Itemized Expenditures and the Campaign Treasurer's Report Summary page.

If you do not have a computer available for report preparation, please make arrangements with our office so we may assist you.

Campaign treasurer's reports shall be filed on a diskette or CD ROM, however, a copy of the Campaign Treasurer's Report which contains both the candidate's and treasurer's signatures must be filed on paper simultaneously.

Please remember that our office is available to assist you. Once you become familiar with the electronic filing software, you will find the input process to be easy and helpful to you in avoiding errors on your reports. As a candidate, please make sure that your treasurer is aware of the electronic filing requirement so that you can both start your campaign with a clear understanding of procedures.

Campaign Treasurer reports must be received by the Miami-Dade Elections Department, 2700 NW 87th Avenue, Doral, Florida 33172, **on or before 5:00 pm on the due date.**

Before you begin the reporting process, please talk to Penny Townsley or Maria Acosta at 305-499-8500 to make sure that all details are clear to you.

- ❖ Please read the entire Candidate Handbook carefully.
- ❖ File the **Electronic Filing Statement and Receipt** for Qualifying Handbook within the 5 business days of opening your campaign account.

**Miami-Dade County Policy regarding Campaign Treasurer's Reports
For County Mayor, Board of County Commissioners,
And Community Council**

Authority: Section 106.07 of the Florida Statutes; Sections 12-19 and 12-22 of the Code of Miami-Dade County Code

Pursuant to the Florida Statutes and additional requirements of Miami-Dade County Ordinance, Candidates for the offices of County Mayor, Board of County Commissioners and Community Council are subject to the following policies and procedures.

1. Policy on Electronic Filing

All candidates for the offices of Mayor of Miami-Dade County, Miami-Dade County Board of County Commissioners, and Miami-Dade Community Council shall file their Campaign Treasurer Reports on diskettes or CD-ROMs simultaneously with and in addition to an original signed report as required by Section 106.07 Florida Statutes. Such reports must be received by the Miami-Dade Elections Department, 2700 NW 87th Avenue, Doral, Florida 33172, on or before 5:00 pm on the due date.

2. Electronic Posting of Reports

All reports shall be posted on the Supervisor of Elections Website at: <http://elections.miamidade.gov> within three business days of receipt of the diskettes or CD-ROMs by the Supervisor of Elections, except that reports required to be filled within 4 business days of an election, which shall be posted no later than two days before the date of the election.

3. Policy on Failure to File

If a candidate fails to file a Campaign Treasurer's Report by the due date, the Miami-Dade Elections Department will attempt to notify the candidate telephonically or by e-mail. A letter (Failure to File Notice) advising that the report has not been received and that, pursuant to Florida Statutes, a fine will be assessed for each day that the report is late, may be mailed certified to the mailing address on file on the 6th business day after the due date. A "Second and Final Notice" may be sent on the 21st day after the due date. Failure to comply may result in a report to the Miami Dade Commission on Ethics and/or the Florida Elections Commission and could be determined to be a willful violation.

4. Policy on Late Reports

If a candidate files a Campaign Treasurer's Report after the scheduled due date, a "Notice of Late Filing – Fine Due" letter will be mailed to the candidate within 5 business days of receipt, advising him/her of the amount of the fine due. Pursuant to Section 106.07(8)(c) of the State Statutes, appeals may be filed with the Florida Elections Commission within 20 days after receipt of the notice of payment due. Pursuant to Section 12-19 of Miami-Dade County Code, failure to file the required diskettes or CD-ROMS shall result in additional fines. If no such appeal is filed within 20 days, a "Second and Final Notice" may be sent on the 21st day after the due date. Failure to comply will result in a report to the Miami-Dade Commission on Ethics and/or the Florida Elections Commission for failure to pay fine. Fines must be paid from the candidate's personal funds.

5. **Policy on Audits and Filing of Amended Reports**

The Miami Dade Elections Department will commence an audit of Campaign Treasurer's Reports within three (3) business days of receipt. The Elections Department checks the following: Summary page for accuracy and signatures, complete names and addresses for each contribution and expenditure, occupation of contributor when required, purpose of expenditure listed and contributions that exceed the lawful amount (\$250 for Miami-Dade local candidates pursuant to the Miami-Dade County Code.)

If a candidate files a Campaign Treasurer's Report that is deemed to be incomplete, the report shall be accepted on a conditional basis. Within three (3) business days after completion of the audit, the campaign treasurer will be sent an "Incomplete Notice" by registered mail notifying the campaign treasurer as to why the report is incomplete and, be given 3 days from receipt of such notice to file an addendum to the report. No other notices will be sent. Failure to file a complete report after such notice constitutes a violation of Section 106.07(8)(d) of Florida Statutes.

6. **Policy on Filing Trigger Reports**

Any candidate for County Mayor or County Commissioner, regardless of whether or not he or she is participating in the Election Campaign Financing Trust Fund, must file a report with the Supervisor of Elections within 24 hours of receiving contributions or making expenditures that exceed seventy-five percent (75%) of the applicable expenditure ceiling limits. Additionally, a campaign treasurer's report must also be filed with the Supervisor of Elections on the prescribed State of Florida Division of Elections forms and disclose all contributions and expenditures ending with the last 24 hour period.

Thereafter, the candidate is required to file a supplemental trigger report form with the Supervisor of Elections within 24 hours of receiving contributions or making expenditures that exceed 100% of the applicable expenditure ceiling limits. Additionally, a supplemental campaign treasurer's report must be filed with the supplemental trigger report form and disclose all contributions and expenditures ending with the last 24 hour period.

The expenditure ceiling limits are as follows:

a. Initial election for County Mayor:	\$450,000 (75%) \$600,000 (100%)
b. Initial election for County Commissioner:	\$112,500 (75%) \$150,000 (100%)
c. Run-off election for County Mayor:	\$300,000 (75%) \$400,000 (100%)
d. Run-off election for County Commissioner:	\$75,500 (75%) \$100,000 (100%)

Such reports must be filed with the Miami-Dade County Elections Department using the "Trigger Report Form". Additionally, such reports must be filed on diskette or CD-ROM simultaneously with and in addition to an original signed Campaign Treasurer's Report as required by Section 12-17 of the Code of Miami-Dade County. Trigger Reports will be electronically posted on the Elections Department's website.



**Campaign Treasurer's Report
Filing Requirement
Electronic Filing Statement
For Miami-Dade County Candidates**

I, _____, candidate for the office of _____, have received, read, and understand the Miami-Dade County policy regarding Campaign Treasurer's Reports for Miami-Dade Mayor, County Commission, Community Council and Fire Board candidates.

In order to comply with the requirement I declare that I understand that Campaign Treasurer Reports be filed on diskettes or CD-ROMS simultaneously with and in addition to the original signed report, I further declare that:

- I will purchase the necessary software.
- I will use the software provided by the Supervisor of Elections.

Signature of Candidate

Date

Day time Phone #

E-mail address

TRIGGER REPORTING FORM

(Miami-Dade County Code Section 12-22)

(Please use Black Ink or Type)

I, _____,

candidate for the office of Mayor
 Miami-Dade Commissioner,
District # _____

Have:

Received Contributions and/or Made Expenditures:

Exceeding 75% of the applicable ceilings provided in Section 6 of Miami-Dade County Ordinance 01-39.

Exceeding 100% of the applicable ceilings provided in Section 6 of Miami-Dade County Ordinance 01-39.

Additionally, attached is a supplemental campaign treasurer's report on the prescribed State of Florida Division of Election forms disclosing any and all contributions and expenditures ending with the last 24 hour period. Such reports will be accompanied by a diskette or CD-ROM as required by Miami-Dade Ordinance 00-72.

X

Signature of Candidate

Date

All candidates for Mayor and Board of County Commissioner who have elected to participate or not participate in the Election Campaign Financing Trust Fund must file this form within 24 hours of meeting the applicable trigger reporting requirements.

In addition to any other penalties that may be applicable, any individual who violates this requirement may be subject to a fine up to five thousand dollars (\$5,000) or imprisonment not to exceed three hundred and sixty-four (364) days, or both.

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance

s) Lobbying.

(1) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

"Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal, as described above, as well as any agent, officer or employee of a principal regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within three (3) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) Pay a registration fee of one hundred twenty-five dollars (\$125.00);

(c) State under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. If the lobbyist represents a corporation, shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Separate registration shall be required for each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description (where applicable) of a pending request for a proposal, invitation to bid, public hearing number, etc. The Clerk of the Board of County Commissioners shall reject any registration statement which does not provide a description of the specific issue on which such lobbyist has been employed to lobby. Registration of all lobbyists shall be required Prior to October 1 of every even-numbered year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for biennial registration shall be five hundred dollars (\$500.00). Initially, all lobbyists shall register on or before June 1, 1991. In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

(d) Prior to conducting any lobbying, all lobbyists must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal.

(3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.

(4) Any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood association, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(6) (a) Commencing July 1, 1986, and on July 1 of each year thereafter, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(8), a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars (\$50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z).

(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist to file a report and/or pay the assessed fines after notification.

(d) A lobbyist may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.

(7) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). The Clerk shall publish logs for the fourth quarter of fiscal year 1989-90 and the first quarter official year 1990-91 as soon as practicable after the effective date of this ordinance. All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

(8) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract violable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(9) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.

(10) Except as otherwise provided in subsection (s)(8), the validity of any action or determination of the board of county commissioners or county personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s). (Ord. No. 00-19, § 1, 2-8-00)