

# Lobbyist Registration and Disclosure



**Audit, Finance & Legislative Committee  
City Auditor's Office  
November 29, 2007**

# Referral Background

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June 2007

1. City Auditor Research
2. AF&LC discussed issues related to enacting lobbyist registration and disclosure legislation; and
3. Referred issue to the Charter Officers for further review and report back to AF&LC

# Summary

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## Registration and Disclosure Laws:

- Focus on PAID lobbyists
- Payment means anything of value received directly or indirectly (fee, salary, loan, retainer, advance, deposit, etc.)
- NOT intended to control or prohibit lobbying
- Provides greater transparency in government by making visible the influences on government decision making
- Well established concept at Federal and State levels
- Many local governments taking action

# Key Elements

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Registration: Registry system to track lobbyists and their meetings with public officials

Disclosure:

- Lobbyist provides complete listing of client contacts and nature of the contacts
- Lobbyist discloses financial information and expenditure reports

Public Record: Public access to registry ensures public has opportunity to know who is lobbying public office holders and in what context

# Lobbyist Registration

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Informal - Registration card or sign-in logs at time of contact with officials

Formal - Established by statute or ordinance requiring registration prior to lobbying and compliance with a code of conduct

# Florida Examples - Informal

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## Tallahassee

- Commission Policy: “Disclosure of Representation”
- Public Meeting: Person appearing completes card with disclosure information
- Private Meeting: Public official completes “ex parte” card
- Cards scanned for public access
- Planning items are reviewed by shared Planning Board and lobbyist must register under formal registry administered by Leon County

# Florida Examples - Formal

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## Ordinance, Annual Registration and Expense Reports

1. Ft. Lauderdale
2. Hollywood
3. Homestead
4. Leon County
5. Miami-Dade
6. Miramar
7. Orlando
8. Palm Beach County
9. Tampa

# Formal Registration Elements

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## Lobbyist required to:

- File annual forms
- Pay an annual fee
- File periodic compensation reports
- Prohibited from accepting contingency fees related to lobbying



# Registration Requirements

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## What is filed?

- Name and business address of lobbyist
- Name and address of principals or clients
- Categories of lobbying subject matters
- Name of public office holders and public entities which will be or have been lobbied
- Lobby compensation and spending

# Registrar Duties

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- Maintain registry
- Verify compliance
- Enforce compliance
- Assess fines
- Provide public access to registry

# Failure to Comply

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## Reports:

- Late filing fines and penalties

## Lobbying Violations:

- Fines
- Reprimands
- Censure
- Probation
- Prohibition from future lobbying

# The Big Question

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*Does the City Commission want to establish a formal registry of persons who lobby public office holders?*

# Charter Officers' Recommendation

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1. Defer a formal legislative registration process
2. Implement informal lobbyist disclosure through the use of a card system during meetings
3. Modify Mayoral verbal instructions
4. Diligence during private meetings/conversations
5. Improve internal procedures for call intake and calendars
6. Training and Reinforcement

# Implement Card System During Public Meetings

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- All persons wishing to speak before the City Commission or a standing committee (or all persons receiving compensation to represent another person or organization) will be required to complete a speaker's card prior to making any remarks
- Modify Commission Rules as needed

# SAMPLE SPEAKER CARD

If you wish to speak on a public issue, please fill out this card  
**CITY OF GAINESVILLE PUBLIC HEARING/CITIZEN COMMENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (optional): \_\_\_\_\_

Subject matter/Agenda Item#: \_\_\_\_\_

Nature of Representation:

\_\_\_\_\_ Self

\_\_\_\_\_ Family Member. Please identify \_\_\_\_\_

\_\_\_\_\_ Client. Please identify \_\_\_\_\_

\_\_\_\_\_ Other. Please explain \_\_\_\_\_

**Disclosure Required by City Commission Policy xxxx**

# Modify Mayoral Verbal Instructions

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- Mayor reinforces requirement and requests that all speakers (or paid speakers) state, for the official record, their name and identify the person(s) or organization(s) the speaker is representing
- Committee Chairs will request the same



## Diligence During Private Meetings/Conversations

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- Voluntary diligence is recommended to make transparency complete through the tracking of contact information including name, date, time, subject matter and party represented
- Commissioners or Board members responsible for maintaining logs of private meetings and communications

# SAMPLE EX PARTE FORM

**CITY OF GAINESVILLE**  
**DISCLOSURE OF CITY OFFICIAL'S EX PARTE COMMUNICATIONS**

Name: \_\_\_\_\_ Board: \_\_\_\_\_  
(City Official)

I, \_\_\_\_\_ hereby disclose that on \_\_\_\_\_, 20\_\_\_\_:

A) I had the following type(s) of ex parte communication:

- Written Material (letters, reports, photos, etc.) [copy attached]
- Oral Communications (telephone, in person, etc.)
- My investigation
- My site visit
- Expert opinion

B) The quasi-judicial matter before my board; the subject and substance of communication; and identity of the person, group or entity with whom the communication took place in the measure are as follows:

1. Quasi-judicial matter: \_\_\_\_\_
2. Substance of the communication (add page, if necessary): \_\_\_\_\_
3. Person(s), group or entity with whom the communication took place: \_\_\_\_\_

Filed with: \_\_\_\_\_  
Department Date Signature

# Improved Internal Procedures

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City Clerk to enhance internal procedures:

- Tracking of incoming calls and having callers identify whom they represent
- Keeping Commission calendars updated

# Training and Reinforcement

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- Provide guidance during orientation to incoming Commissioners and Board Members
- City Attorney always available for advice when in doubt

# Conclusion

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- Consensus is that implementing above improvements is sufficient at this time
- Issue should be reviewed again in the future, as growth in the community could eventually require the City to implement more formal procedures such as passing an ordinance, establishing a formal registry and collecting fees to cover administrative costs



# Discussion/Comments

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