

ORDINANCE NO. 2017-4111

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 3 ENTITLED "LOBBYISTS", SECTION 2-482 THEREOF ENTITLED "REGISTRATION; DISCLOSURES", BY CONFORMING THIS CODE SECTION'S LOBBYIST REGISTRATION REQUIREMENT TO THE PROSCRIPTION SET FORTH IN CODE SECTION 2-491 PROHIBITING CAMPAIGN CONSULTANTS AND CERTAIN AFFILIATED PERSONS OR ENTITIES FROM LOBBYING CITY COMMISSION FOR 12 MONTHS SUBSEQUENT TO SWEARING IN OF SUBJECT ELECTED OFFICIAL(S); PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article VII, Division 3 entitled "Lobbyists", section 2-482 thereof entitled "Registration; disclosures", is hereby amended, in part, to read as follows:

Sec. 2-482. Registration; disclosures.

(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$350.00, as specified in appendix A and state under oath:

* * *

(4) The commissioner or personnel sought to be lobbied, and whether the lobbyist has entered into any contractual relationship (paid or unpaid) with said city commissioner or personnel from 12 months preceding such person's commencement of service with the city to the present date, stating the general nature of the subject contractual relationship.

a. A lobbyist who has within the past election cycle provided campaign consulting services to an incumbent member of the City Commission (which lobbying activity is not otherwise prohibited by Code section 2-491¹) shall disclose such particular service on his/her lobbyist registration form and shall orally disclose such particular service before lobbying the City Commission at a public meeting.

* * *

¹ "No campaign consultant shall lobby the City Commission for a period of 12 months following the swearing in of any elected official(s) for whom the campaign consultant provided campaign consulting services within the past election cycle." City Miami Beach Code sec.2-491(A), et. sec.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the 5 day of August, 2017.

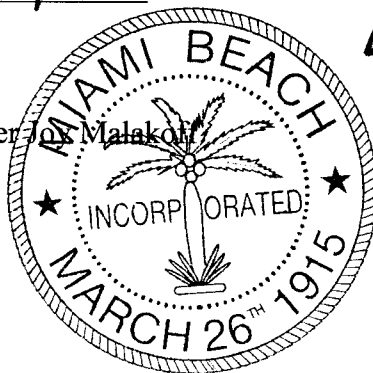
PASSED and ADOPTED this 26 day of July, 2017.

ATTEST:

[Signature] 8/7/17
Rafael E. Granada
City Clerk

[Signature]
Philip Levine
Mayor

Requested by Commissioner Joy Malakoff



**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature] 6/13/17
City Attorney Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: July 26, 2017

9:50 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 3 ENTITLED "LOBBYISTS," SECTION 2-482 THEREOF ENTITLED "REGISTRATION; DISCLOSURES", BY CONFORMING THIS CODE SECTION'S LOBBYIST REGISTRATION REQUIREMENT TO THE PROSCRIPTION SET FORTH IN CODE SECTION 2-491 PROHIBITING CAMPAIGN CONSULTANTS AND CERTAIN AFFILIATED PERSONS OR ENTITIES FROM LOBBYING CITY COMMISSION FOR 12 MONTHS SUBSEQUENT TO SWEARING IN OF SUBJECT ELECTED OFFICIAL(S); PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ANALYSIS

See attached memorandum and proposed Ordinance.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Joy Malakoff

ATTACHMENTS:

Description

- Second Reading Commission Memorandum
- Ordinance

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

Second Reading

TO: **MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

FROM: **RAUL J. AGUILA** 
CITY ATTORNEY

DATE: **JULY 26, 2017**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 3 ENTITLED "LOBBYISTS", SECTION 2-482 THEREOF ENTITLED "REGISTRATION; DISCLOSURES", BY CONFORMING THIS CODE SECTION'S LOBBYIST REGISTRATION REQUIREMENT TO THE PROSCRIPTION SET FORTH IN CODE SECTION 2-491 PROHIBITING CAMPAIGN CONSULTANTS AND CERTAIN AFFILIATED PERSONS OR ENTITIES FROM LOBBYING CITY COMMISSION FOR 12 MONTHS SUBSEQUENT TO SWEARING IN OF SUBJECT ELECTED OFFICIAL(S); PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

The City Attorney has prepared the attached ordinance as a housekeeping matter, to reflect and incorporate the proscription set forth in Commissioner Joy Malakoff's proposed Ordinance creating Code Section 2-491 (prohibiting Campaign Consultants and certain affiliated persons or entities from lobbying the City Commission for 12 months subsequent to swearing in of subject elected official(s)).

Inasmuch as the City's current lobbyist registration laws require lobbyists to disclose if they provided campaign consultant services within the past election cycle to a member of the City Commission, the attached ordinance makes clear that such registration will reflect lobbying activity not otherwise prohibited by Code section 2-491.