

of the Commission, members of any selection or evaluation committee, or the units in which they work. B.C.C. § 26-73(b)(5).

COUNTY ADVISORY BOARD MEMBERS, including members of committees, commissions, councils, task forces, and other appointed boards, may not lobby for compensation any employee of the County divisions or departments that provide support services to the board they serve, during the time they serve and for two years after. B.C.C. § 26-70.

POST-SERVICE LOBBYING: County and municipal elected officials may not personally represent clients for compensation at their former governmental entity in the first two years after leaving office. F.S. § 112.313(14), B.C.C. § 26-77(a). Certain county appointed officials and employees may not personally represent clients for compensation before any county agency, any commissioner or staff, or anyone in their former divisions or departments in the first two years after leaving service. B.C.C. § 26-77(b). Furthermore, a county or municipal elected official may not lobby for compensation on an issue of policy, appropriations, or procurement before his or her former agency or governing body for 6 years after leaving service. Fla. Const. Art. II, Sec. 8(f)(3).

CLIENT REPORTING: As a local official, if a member of your firm represented a client for a fee before your agency (other than in a ministerial matter or court appearance), you are required to disclose the client's name on a CE Form 2 and file it with the Commission on Ethics by the end of the calendar quarter following the representation. F.S. § 112.3145(6). Broward's elected officials and county employees who represent another before their own governmental unit about non-ministerial matters must file similar quarterly reports. B.C.C. § 26-76.



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Broward and Florida Codes of Ethics

Lobbyists and Lobbying



Lobbyists and Lobbying

B.C.C. § 1-19 (Broward Code of Ethics for Elected Officials), B.C.C. § 1-260 et seq. (Broward County Lobbyist Registration Act), B.C.C. § 26-71 et seq. (Broward County Employee Code of Ethics Act); and F.S. §§ 112.313, 112.3145, and 112.3148 (State Code of Ethics for Public Officers and Employees) address lobbying and lobbyist activity toward public officials and employees.

This publication is intended only to summarize certain provisions for Broward's county and municipal public officers, procurement employees, and county employees. This does not serve as a legal opinion.

Citations to the Broward County Code of Ordinances and Florida Statutes are abbreviated herein as "B.C.C. §" and "F.S. §," respectively, followed by the section number.

"Lobbying" and "Lobbyist"

LOBBYING means any kind of communication, from a lobbyist to certain government decision makers about an item that will foreseeably be decided by a final decision-making authority, which seeks to influence, convince, or persuade support or opposition for the item. It is not an on-the-record communication at a duly noticed public meeting or hearing. B.C.C. §§ 1-19(b)7.; 1-261; 26-72.5.

Covered decision makers include any Broward: county commissioner, member of a municipal governing board, and municipal mayor; and, for purposes of the Broward Code of Ethics for Elected Officials, any member of any final decision-making body under the jurisdiction of either the county or any municipality within Broward, any direct appointee of a county or municipal governing board or mayor, and any final decision-making authority for county or municipal procurement. B.C.C. § 1-19(b)2.

A **LOBBYIST** is a person retained (with or without compensation) to lobby or who is employed principally to lobby for his or her employer. It is not an official or employee who communicates in his or her official capacity, someone who communicates on his or her own behalf or for his or her employer (unless principally employed to lobby), a homeowners' association member representing the

association, or a non-profit public interest member representing the non-profit. B.C.C. §§ 1-19(b)8., 1-261, 26-72.5. If otherwise qualified to lobby, an attorney, sales or marketing representative, or any other professional can be a lobbyist. And one doesn't need to be registered in order to meet the definition of lobbyist.

All lobbyists and elected officials are subject to registration, disclosure requirements, and gift prohibitions (see below). In addition, current and former public officials and employees who lobby are subject to lobbying restrictions and may be required to disclose their clients (see below).

Lobbyists and Elected Officials

COUNTY REGISTRATION: Each county lobbyist must pay a fee and register his or her contact information, the name and contact information of those for whom lobbying will be done, the subjects of intended lobbying, business relationships with county officials or employees, and authorization of any group. Lobbyists must also disclose their new clients on amended registrations prior to lobbying for them. B.C.C. § 1-262(a)-(c).

COUNTY ANNUAL STATEMENTS: Each county lobbyist must file an annual statement under oath disclosing lobbying expenditures, fees, and funding sources. B.C.C. § 1-262(d). These are kept by the County Administrator's Office and are open for public review. B.C.C. § 1-262(e).

MUNICIPAL LOBBYING: Many municipalities require individuals to register and pay filing fees before they can lobby that entity's staff or officials. Check local laws.

LOBBYING CONTACT DISCLOSURES: Upon contact with a Broward elected official for the purpose of lobbying, each lobbyist must complete a contact log listing his or her name; his or her employer; whom he or she represents; the name of each Elected Official he or she is contacting; the date, time, location, and mode of the communication; who else participated in the contact; and the specific purpose and subject matter of the contact. This information must be provided and filed for public inspection no later than three business days following the contact. The official's municipality must make these logs available to lobbyists (for entry) and to the public (for review and searching) on its own website or provide a link from its website to the website where the searchable logs are maintained by the Broward

League of Cities (BLOC). B.C.C. § 1-19(c)(3). If an elected official is lobbied but their governmental entity has failed to create or maintain a contact log system, or failed to link to any system maintained by the BLOC, the elected official must file the disclosure. B.C.C. § 1-19(c)(3)e.

GIFTS: Public officials and employees who file a State Commission on Ethics (CE) Form 1 or Form 6 may not solicit any gift from a lobbyist (as defined in the state code) or a lobbyist's partner, firm, employer, or principal. F.S. § 112.3148(2) (b) and (3). Broward's elected officials and their relatives (as defined by F.S. § 112.3135), registered domestic partners, and governmental office staff may not accept any gift valued at over \$5.00 from any lobbyist, principal (client) of a lobbyist, or employer of a lobbyist to their entity. B.C.C. § 1-19(b)(11) and (c)(1)a. Limited exceptions, as well as definitions for "gift" and "value," are noted in the OIG publication titled, "Officials and Employees Accepting and Reporting Gifts."

Current and Former Public Officials and Employees

ELECTED OFFICIALS WHO LOBBY: Although Article II, Section 8 of the Florida Constitution and Sections 112.3121 and 112.3122, Florida Statutes prohibits elected officials from lobbying on certain matters to particular entities while in office, the United States District Court for the Southern District of Florida permanently enjoined enforcement of this provision on August 9, 2023. The District Court's order is currently on appeal. As such, effective April 1, 2024, the lobbying prohibitions applicable to Elected Officials shall be the same under the county code as under Article II, Section 8 of the Florida Constitution and Sections 112.3121 and 112.3122, Florida Statutes. B.C.C. § 1-19(c)(2)a.

ELECTED OFFICIALS' RELATIVES AND OFFICE STAFF: No elected official's spouse, registered domestic partner, child, parent, or sibling may lobby where prohibited by state law. B.C.C. § 1-19(b)6. and (c)(2)d. County or municipal elected officials' office staff are prohibited from lobbying covered individuals. B.C.C. § 1-19(c)(2)c.

COUNTY EMPLOYEES may not lobby for an outside client or employer for compensation, members