

ORDINANCE NO. 25-340

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO LOBBYING ACTIVITIES; PROVIDING FOR REGISTRATION AND DISCLOSURE REQUIREMENTS FOR LOBBYISTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") recognizes the right of individuals and entities to petition government and engage with public officials; and

WHEREAS, lobbying, when conducted transparently and ethically, plays an important role in the democratic process; and

WHEREAS, the Town Council seeks to ensure that the conduct of lobbyists and those who influence local government decisions is open and transparent to the public; and

WHEREAS, the Town Council finds that it is in the public interest to establish clear standards for lobbyist registration, disclosure, and conduct to prevent conflicts of interest and maintain public confidence in local governance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA:

CHAPTER 14, LOBBYING AND CONSULTANT DISCLOSURE

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

~~ARTICLE II. CONSULTANT DISCLOSURE~~

~~Sec. 14-19. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Consultant.~~

~~(1) The term "consultant" means an individual, corporation, partnership or business entity that has been retained, for financial compensation, which includes nonmonetary compensation of similar value, to assist or provide any professional services to an entity in seeking approval of an item from the Town Council or staff, or to obtain a contract with the Town.~~

~~(2) The term "consultant" specifically excludes the following persons: any person who has been retained solely to provide mailing, delivery, copy and other reproduction services of bid items and related bid materials; any person retained solely to provide professional engineering services, as certified under F.S. ch. 471; any person retained solely to provide land surveying and mapping services, as certified under F.S. ch. 472; and any person retained solely to provide architectural services, as certified under F.S. ch. 481.~~

~~Entity means an individual, corporation, partnership or business entity that engages the services of a consultant, for financial compensation, which includes nonmonetary compensation of similar value, to assist or to provide any services to the entity in seeking approval of an item from the Town Council or staff, or to obtain a contract with the Town.~~

~~Sec. 14-20. Penalty.~~

~~A violation of this article or any resolution adopted pursuant to the ordinance from which this article is derived may be enforced pursuant to Section 8-10 and by issuance of a uniform civil violation notice, citation, summons or notice to appear in county court, or by filing an action in civil court for injunctive relief. This article is supplemental and nothing contained herein shall prohibit the Town from enforcing this article by any other lawful means.~~

~~Sec. 14-21. Registration.~~

~~(a) All entities shall register, on the prescribed Consultant Disclosure Form as provided by the Town Clerk, the name of any consultant and the capacity in which he has been retained by the said entity.~~

~~(b) Said form shall be filed by the entity with the Town Clerk within seven days of the Council meeting where the entity's item will be discussed or before the consultant performs services on behalf of the entity, whichever shall come first.~~

~~(c) It shall be unlawful for an entity to obtain services from a consultant on any item or contract requiring official Town action until said entity has properly registered the consultant with the Town pursuant to this section.~~

~~(d) The fee payable to the Town by the entity for registration of each consultant shall be as established by resolution. The registration fees required by this subsection shall be deposited with the Town Clerk and shall cover any and all consultants retained for said item or contract by the entity for the purposes described herein.~~

~~Sec. 14-22. Business prohibition:~~

~~If an entity is found in violation of Section 14-21, that entity shall not be permitted to conduct business with the Town for a period of two years following the violation.~~

Section 14 – 1 Applicability.

Notwithstanding any provision in the Code of the Town, as amended, to the contrary, Section 2-11.1(s) of the Code of Ordinances of Miami-Dade County, Florida, as amended (“County Code”), shall be applicable in the Town.

Section 14 – 2 Penalty

Any person in violation of any provision of this article shall be subject to the penalty as provided in section 14 – 7.

Section 14 – 3 Definitions

The definitions used in Section 2-11.1(s) of the County Code shall be applicable to this article. References in Section 2-11.1 of the County Code to county personnel shall, therefore, be applicable to Town personnel who serve in comparable capacities to the county personnel referred to therein.

Section 14 - 4. Registration; ethics; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register.

- A. A person may not lobby a Town official, a Town board/committee member, the Town manager, or Town staff, until such person has registered as a lobbyist with the Town clerk and submitted a certificate of completion of an ethics course provided by the Miami-Dade County Commission on Ethics Public Trust. Completion of the course prior to registration is required.

Such registration shall be due within five business days of being retained as a lobbyist by a principal, prior to engaging in any type of lobbying activities, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$525.00 as an initial registration fee, plus an additional fee of \$105.00 for each principal represented for each issue lobbied on behalf of any one principal. The registration fees required by this section shall be deposited by the Town Clerk into a separate account and shall be expended for purposes of recording, transcription, administration, and/or any other associated costs incurred in maintaining these records for availability to the public. Any person who is required to pay the registration fee and who is unable to pay the registration fee

without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the Town clerk, be exempt from paying the registration fee. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year and shall be renewed on a calendar year basis.

- B. Lobbyists shall be required to complete a refresher ethics course every two years. Each lobbyist who has completed a refresher ethics course shall submit to the Town clerk a certificate at the time of registration.
- C. Within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever comes first, every person required to register as a lobbyist shall:
 - a. Register on forms prepared by the Town Clerk;
 - b. Pay an initial registration fee of \$525.00, plus an additional fee of \$105.00 for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal; and
 - c. Disclose, under oath, the following information:
 - i. Lobbyist's name and business address;
 - ii. Name and business address of each principal represented;
 - iii. The specific issue on which he or she has been retained to lobby; and
 - iv. If the lobbyist represents a corporation, partnership or trust, the name and business address of the chief officer, partner or beneficiary of the corporation, partnership or trust and the names and addresses of all persons holding, directly or indirectly, at least five percent ownership interest in said corporation, partnership or trust. A separate registration form shall be filed by the lobbyist and an additional fee of \$105.00 shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal. Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The Town clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby.
 - d. Submit a certificate of completion of the ethics course as provided under subsection 2-654(b).

- D. In addition, every registrant shall be required to state under oath the existence of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the Town council, any member of a Town board/committee, the Town manager, or a member of the Town staff before whom he or she lobbies or intends to lobby.
- E. The Town clerk shall maintain a log, which shall be updated on a quarterly basis by April 15, July 15, October 15 and January 15 of each year, reflecting the lobbyist registrations filed in accordance with this section and shall be distributed to the mayor, the Town council, and the Town Manager.
- F. The mayor, all members of the Town Council, all members of Town Boards/Committees, the Town Manager, and Town Staff shall be diligent to ascertain that people required to register pursuant to this section have complied, and if necessary, request a record of compliance from the Town Clerk. The mayor, members of the Town Council, of Town Boards/Council, the Town Manager, and Town Staff may not knowingly permit a person who is not registered pursuant to this section to lobby.
- G. Each person who withdraws as a lobbyist for a particular principal shall file an appropriate notice of withdrawal concerning representation for that principal. There shall be no fee required for filing a notice of withdrawal.
- H. The validity of any action or determination of the Town council or any other Town board or committee shall not be affected by the failure of any person to comply with the provisions of this section.
- I. The following persons shall be required to register but will be exempt from paying the registration fee:
 - a. A person who, pursuant to the terms of a collective bargaining agreement, has been designated and is so recognized by the Town as a representative of a collective bargaining unit composed of Town employees;
 - b. Those persons identified in Section 2-11.1(s) of the County Code.
- J. All registration forms shall be open to the public upon the filing thereof.

Section 14 – 5. Annual expenditures report

A lobbyist shall annually submit to the Town clerk's office a signed statement under oath, as provided herein, listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include, but not be limited to meals, entertainment, travel, lodging, and gifts for public officers and employees for the preceding calendar year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures for the preceding calendar year, entitled "Annual Expenditures Report" shall be due on January 15th of each year. Such statement shall be rendered on the form provided by the Town Clerk's office and shall be open to public

inspection. If the lobbyist had no expenditures in the preceding calendar year, then he or she shall not be required to submit an annual expenditures report.

Section 14 – 6. Advisory opinions

- A. A lobbyist, when in doubt about the applicability and interpretation of this article in a particular context, shall submit in writing the facts for an advisory opinion by the Town attorney. The Town attorney shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section. All advisory opinions of the Town attorney shall be numbered, dated and furnished to the Town Clerk's office and shall be open to public inspection.
- B. The Town Clerk's office shall keep all advisory opinions of the Town attorney relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

Section 14 – 7. Penalties for violations

- A. Any lobbyist who fails to file the annual expenditures report by the January 15 deadline each calendar year shall be subject to a fine of \$50.00 per day for reports filed after the due date.
- B. Upon verification of a lobbyist's failure to file the annual expenditures report, the Town clerk shall notify the lobbyist by certified mail that the annual expenditures report must be filed within five business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he or she shall submit a new registration form accompanied by a \$525.00 registration fee plus any and all outstanding fines accrued prior to re-registration.
- C. The Town Clerk shall submit a report to the Town Council as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this section.

Section 14 – 8 Contingency fees

No person shall retain or employ a lobbyist for compensation based on a contingency fee, and no person shall accept any such employment or render any service for compensation based on a contingency fee.

Section 14 – 9 Severability

If any section or provision of this ordinance is declared invalid, the remainder shall not be affected.

Section 14 – 10 Inclusion in Town Code

This ordinance shall be included in the Town Code of Ordinances.

Section 14 – 11. Effective Date

This ordinance shall take effect immediately upon adoption.

Section 14 – 12 Business prohibition.

If an entity is found in violation of Section 14-21, that entity shall not be permitted to conduct business with the Town for a period of two years following the violation.

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FIRST READING

The foregoing ordinance was offered by Councilmember Garcia who moved its adoption. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes


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SECOND READING

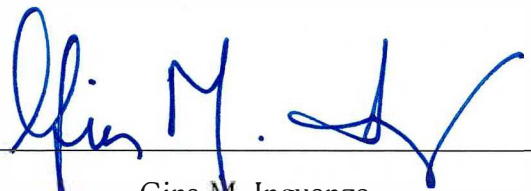
The foregoing ordinance was offered by Mayor Dieguez who moved its adoption. The motion was seconded by Vice Mayor Morera and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes


Passed and adopted on second reading this 17th day of July 2025


Joshua Dieguez
MAYOR

Attest:


Gina M. Inganzo
TOWN CLERK

Approved as to form and legal sufficiency:


Lorenzo Cobiella
Gastesi, Lopez, Mestre, and Cobiella. PLLC
DEPUTY TOWN ATTORNEY