

**CITY OF MARCO ISLAND
ORDINANCE NO. 99-18**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT
OF LOBBYIST REGISTRATION PROCEDURES;
PROVIDING FOR PENALTIES; PROVIDING FOR
INCORPORATION, CONFLICT AND SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 1.01 of the Marco Island City Charter empowers the City to adopt, amend, or repeal such ordinances, resolutions, and codes as may be required for the good governing of the City; and

WHEREAS, City Council desires to establish procedures for the registration of lobbyists which will promote and protect the public's trust in their local government.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

Sec. 1. Definitions.

- (a) For the purposes of this Ordinance, the definitions contained in Chapter 112, Part III, Florida Statutes, shall apply and control, in accordance with the subject matter, unless the text and/or context of this Ordinance provides otherwise.
- (b) **"Lobbying"** shall mean influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member or employee of the City or of an advisory board or committee.
- (c) **"Lobbyist"** shall mean:
 - 1. Any natural person who, for compensation, seeks or sought during the preceding twelve months, to influence the governmental decision-

making of a reporting individual or procurement employee or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee.

2. A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity
3. A person who registers with the City as a lobbyist pursuant to this Ordinance.

Sec. 2. Lobbyist Registration.

- (a) All lobbyists shall, before engaging in any lobby activities, register with the Deputy City Clerk. Each lobbyist required to so register shall: register on forms prepared by the Deputy City Clerk; pay an annual registration fee of \$25.00; and state under oath his or her name, business name and address, and the name and business address of each person or entity which has employed said registrant to lobby, as of the date of said registration. The registration shall be an annual registration and shall not require additional registration or amendment to the registration form by the lobbyist even if the lobbyist subsequently engages in lobbying for additional persons or entities. The purpose of the registration is merely to identify the registrant as a lobbyist. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the Deputy City Clerk, to not be listed as a lobbyist. However, pursuant to Section 112.3148, Florida Statutes, said registrant shall continue to appear on the list of lobbyists until the expiration of the time period set forth in said statute. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of twelve (12) months from the expiration of annual registrations. The registration fee of \$25.00 is non-refundable.
- (b) Annual registration shall be required and shall initially commence on November 1, 1999. Thereafter, annual registration shall occur on or after October 1 of each year. Registration by lobbyists shall occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.

- (c) The following persons shall not be required to register as lobbyists:
1. Any public officer, employee or appointee who only appears in his or her official capacity.
 2. Law enforcement personnel conducting an investigation.
 3. 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.
 4. Any person who only appears as a representative of a neighborhood association without special compensation or reimbursement for their appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
- (d) The Deputy City Clerk shall keep accurate and complete records regarding lobbyist registration including an up-to-date list of all lobbyist registrations, lobbyist withdrawals from the list and a "lobbyist status unknown" list.
- (e) A registration form that is not renewed, along with payment of the \$25.00 annual registration fee, by October 1 of each year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities.
- (f) The validity of any action or determination of City Council or of any city employee, board or committee, shall not be affected by the failure of any lobbyist to comply with the provisions of this section.

Sec. 3. Penalties.

Pursuant to Section 125.69, Florida Statutes, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the State in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the Collier County Jail not to exceed sixty (60) days or by both such fine and imprisonment.

Sec. 4. Incorporation, Conflict, and Severability.

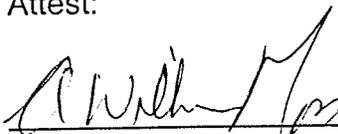
- (a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- (b) All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- (c) In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Sec. 5. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 7th day of September, 1999.

Attest:



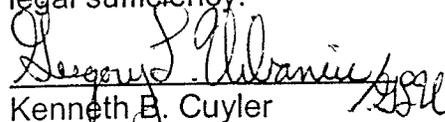
A. William Moss
City Manager/City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

David E. Brandt, Chairman

Approved as to form and
legal sufficiency:



Kenneth B. Cuyler
City Attorney

NAPLES DAILY NEWS
Published Daily
Naples, FL 33940

Affidavit of Publication

State of Florida
County of Collier

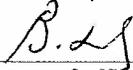
Before the undersigned they serve as the authority, personally appeared B. Lamb, who on oath says that they serve as the Assistant Secretary of the Naples Daily, a daily newspaper published at Naples, in Collier County, Florida; that the attached copy of the advertising, being a

PUBLIC NOTICE

in the matter of SECOND READING AND PUBLIC
HEARING ORDINANCE

was published in said newspaper 1 time in the issue
starting on 08/23/99

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of affiant)

Sworn to and subscribed before me
this 24th day of August, 1999



(Signature of notary public)



Chanel A. McDonald
MY COMMISSION # CC850752 EXPIRES
June 29, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

