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MEMORANDUM

TO: Board of County Commissioners

FROM: Joseph K. Jarone, Assistant County Attorney */s/ Joseph K. Jarone*

DATE: October 31, 2022

RE: **Proposed Lobbying Amendment**

Item 57 on the October 11, 2022, County Commission Agenda directed the Office of the County Attorney to draft a proposed amendment to the Broward County Code of Ordinances (the "Code") to conform the Code to the Florida Constitution's new lobbying restrictions and to recommend other changes to the County's lobbying regulations. The public hearing for the proposed amendment will be November 15, 2022. As currently proposed, the amendment would make four limited changes to the Code.

First, it would conform the Code's regulation of elected officials' lobbying activities to the new restrictions in the Florida Constitution that go into effect at the end of this calendar year. Once the new state restrictions go into effect, there will be a substantial overlap between our Code and the Constitution, rendering the Code's lobbying regulations largely redundant. Moreover, the subtle and confusing differences between the two may result in unwitting violations of one or the other. For example, an elected official lobbying for compensation at a public meeting does not violate the Code but may violate the Constitution. Conversely, an elected official lobbying without compensation may violate the Code but would not violate the Constitution.

Second, this amendment would modify the prohibition on lobbying activity by an elected official's immediate family members. Currently, the Code prohibits lobbying by an elected official's immediate family members. We believe this prohibition may be problematic because it restricts a lobbyist's expressive freedoms due to something outside of their control. Additionally, the Broward Office of the Inspector General lacks jurisdiction over an elected official's immediate family members. The proposed change to the Code (as amended by Exhibit 2 to the public hearing package) would allow an elected official's immediate family members to lobby but would require the elected official (over whom the Office of the Inspector General has jurisdiction) to file a disclosure if the elected official has knowledge of the lobbying. Such knowledge would be presumed if certain conditions are met, such as if the lobbyist and elected official share the same primary residence.

Third, the amendment would allow those appointed to County boards to lobby without compensation during their term and for two years thereafter. The current restrictions on lobbying by appointed board members would still apply to compensated lobbying.

Finally, the proposed amendment would delete various redundant definitions throughout the Code. This change is intended to be nonsubstantive.

Because the focus of the proposed amendment was to make the County's lobbying regulations more consistent with state law, the proposed amendment does not impact the County's regulation of gifts from lobbyists or lobbyist registration or disclosures.

JKJ/mb

c: Monica Cepero, County Administrator
Bob Melton, County Auditor
Andrew J. Meyers, County Attorney