

**CODE OF
ORDINANCES OF
THE CITY OF FORT
LAUDERDALE,
FLORIDA**

ARTICLE VIII. - LOBBYING ACTIVITIES

Sec. 2-260. - Intent and purpose.

The City Commission of the City of Fort Lauderdale, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence covered individuals, as set forth in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials, be publicly and regularly disclosed.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-11-42, § 1, 1-5-12.)

Sec. 2-261. - Definitions.

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

Lobbying or lobbying activities shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Lobbyist shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-11-42, § 2, 1-5-12.)

Sec. 2-262. - Lobbying registration and statements.

(a) *Registration required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk the following information:

- (1) The lobbyist's full name, business address and name and nature of business, occupation or profession.
- (2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals.
- (3) The general and specific subject matters that the lobbyist seeks to influence.
- (4) The extent of any direct business association by the lobbyist with any current elected or

appointed official or employee of the City of Fort Lauderdale. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

- (5) A lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person shall be provided with the information required by this article.
- (b) Completed registration forms shall be public records and open to public inspection.
- (c) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.
- (d) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.
- (e) *List of principals.* A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.
- (f) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-07-111, § 1, 12-18-07; Ord. No. C-11-42, § 3, 1-5-12)

Sec. 2-263. - Statement of representation.

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-264. - Lobbying by former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities for a period one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this subsection shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-265. - Reserved.

Editor's note— Ord. No. C-11-42, § 4, adopted January 5, 2012, repealed § 2-265, which pertained to persons excluded. See also the Code Comparative Table.

Sec. 2-266. - Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.

(Ord. No. C-00-27, § 1, 6-6-00)

Secs. 2-267—2-269. - Reserved.

Sec. 2-188. - Ethics, standards of conduct and conflict of interest.

- (a) In accordance with F.S. § 112.313, neither the chief procurement officer nor any member of their staff, nor any other employee of the city engaged in the request for, or actual procurement of goods and/or services, shall have a financial interest or have any personal beneficial interest, directly or indirectly, in any purchase or contract of any supplies, materials, equipment, or services used by, or furnished to, the city. Such conflict of interest may include, but may not be limited to an individual or ownership, in whole or in part, of a firm seeking to contract with the city.
- (b) The chief procurement officer, every member of their staff, and any other employee of the city engaged in the requisition or procurement of goods and/or services are prohibited from accepting or receiving from any person, firm or corporation to which any purchase or contract may be awarded any money, rebate, gift (including meals), gift cards, or anything of value or any promise, obligation or contract for future reward or compensation.
- (c) Financial disclosure per F.S. § 112.3144 shall be submitted on an annual basis by the appropriate procurement services staff.

(Ord. No. C-17-26, § 4, 9-6-17)

Sec. 2-183. - Suspension and debarment.

- (a) *Authority.* The chief procurement officer may suspend or debar, for cause, the right of a vendor to be included on a vendor database, and prohibit such vendor to bid or propose on any city competitive solicitation, and any bid or response from that vendor shall be rejected; provided however, the commission shall have the power to waive or lift such suspension or debarment.
- (b) *Suspension.* A vendor may be suspended for a period not to exceed two (2) years as determined by the chief procurement officer and approved by the city manager based upon the following:
 - (1) Vendor has terminated, defaulted, failed to perform, or failed to fully comply with the conditions, time frames, performance, specifications, drawings, or terms of a contract with the city; or
 - (2) Vendor commits any fraud or misrepresentation in connection with any competitive solicitation or contract with the city; or
 - (3) Vendor or its officer(s) is charged by a court of competent jurisdiction with a criminal offense in an incident related to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; or
 - (4) Vendor is charged by a court of competent jurisdiction with any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which is determined to currently, seriously, or directly affects responsibility as a city government contractor. If charges are dismissed or the vendor found not guilty, the suspension shall be lifted upon written notification and proof of final court disposition provided by the vendor to city; or
 - (5) Vendor becomes insolvent, has proceedings in bankruptcy instituted or, compounds its debts, or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property; or
 - (6) Vendor violates the ethical standards set forth in local, state or federal law; or
 - (7) Vendor fails to comply with the local business preference or M/WBE participation requirements of an awarded contract; or
 - (8) Any other cause the chief procurement officer determines to be so serious and compelling as to materially and adversely affect responsibility of a business as a city contractor, including but not limited to suspension.
- (c) *Debarment.* A vendor may be permanently debarred for the following:
 - (1) Termination, default, failure to perform, or fully comply with the conditions, time frames, performance, specifications, drawings, or terms of a contract with the city two (2) times within any ten (10) year period; or
 - (2) Conviction by, or judgment obtained, in a court of competent jurisdiction for those offenses in connection with the vendor's commercial enterprise stated in section 2-183(b)(3) of this article. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed upon written notification and proof of final court disposition; or
 - (3) Conviction of a public entity crime as defined by F.S. § 287.133, shall result in debarment to transact business with the city.
 - (4) Debarment of any vendor shall require city commission approval.

(d) *Process.* After the chief procurement officer has determined there is cause to suspend or debar a vendor, and the city manager has approved the recommended suspension or debarment, the CPO shall notify the vendor in writing of the debarment or the period of suspension and the reasons for the action taken. The suspension or debarment shall be final and conclusive unless the suspended or debarred vendor initiates written protest proceedings pursuant to this article within five (5) business days after the date of notification.

(Ord. No. C-17-26, § 4, 9-6-17)

Sec. 2-43. - Restrictions on employment of relatives.

(a) In this section, unless the context clearly requires otherwise, the following words and phrases shall have the meanings herein ascribed to them:

- (1) *Appointing authority* means any officer or employee of the city in whom is vested the authority by law, rule or regulation or to whom the authority has been delegated to appoint, employ, promote or advance individuals or to recommend individuals for appointment, employment, promotion or advancement in connection with employment by the city.
- (2) *City official or employee* means any officer or employee of the city and specifically including every person engaged in any employment relationship with the city under any appointment or contract of hire, whether express or implied, oral or written, for remuneration and including all full-time, part-time, seasonal, permanent and temporary employees. Notwithstanding the provisions of subsections (e) and (g) of this section, the city manager may authorize temporary employment of individuals for any continuous period of four (4) months and assign those individuals to a department in which a relative of such individual is serving, which relative is related to such individual within the degrees of relationship as set forth in paragraph (a)(3) of this subsection.
- (3) *Relative* means any individual related to a city official or employee of the city by a degree of consanguinity or affinity as set forth below:

Consanguinity

Father
Mother
Son
Daughter
Sister
Brother
Uncle
Aunt
Nephew
Niece
First cousin
Half brother
Half sister

Affinity

Husband
Wife
Father-in-law
Mother-in-law
Son-in-law
Daughter-in-law
Brother-in-law
Sister-in-law
Stepfather
Stepmother
Stepson
Stepdaughter
Stepsister
Stepbrother

- (b) An appointing authority may not appoint, employ, promote or advance or advocate for appointment, employment, promotion or advancement in or to a position in a department or agency of the city in which such appointing authority is serving or over which such appointing authority exercises jurisdiction or control any individual who is a relative of the appointing authority. An individual may not be appointed, employed, promoted or advanced in or to a position in a department or agency of the city if such appointment, employment, promotion or advancement has been advocated by an appointing authority serving in or exercising jurisdiction or control over the department or agency and who is a relative of the individual.
- (c) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.
- (d) Except as provided in this section, an individual appointed, employed, promoted or advanced in violation of this section is not entitled to pay and money may not be paid to an individual so appointed, employed, promoted or advanced.
- (e) No person who is related to an incumbent city employee or official within the degrees of relationship set forth in paragraph (a)(3) of this section shall be hired for employment in the same department in which such incumbent employee is employed or holds an appointive position.
- (f) When persons employed in the same department become related to each other within any degree or degrees as set forth in paragraph (a)(3) of this section through acts of affinity or other processes of law, the city manager may, where practical and reasonable, transfer one (1) of such employees to another department.
- (g) No employee who is related to another city employee within any degree of relationship as set forth in paragraph (a)(3) of this section shall be transferred into the department in which the

related employee is assigned or in which he holds an appointive position.

(Code 1953, § 2-32; Ord. No. C-76-71, § 1, 7-6-76)

State Law reference— Restriction on employment of relatives, F.S. § 116.111.

Chapter 12 - ELECTIONS

Footnotes:

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Charter reference— *Elections generally, § 7.01 et seq.*

Cross reference— *City commission, § 2-26 et seq.*

State Law reference— *The Florida Election Code, F.S. chs. 97—106.*

Sec. 12-1. - State law to apply.

All city elections shall be conducted in accordance with the requirements set forth in Florida Statutes, and with the coexisting provisions of this chapter.

(Ord. No. C-02-09, § 1, 5-7-02)

Sec. 12-2. - Vacancy in candidacy.

(a) *Regular primary election vacancy.* If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period for the primary election as established in the City Charter results in fewer than two (2) candidates remaining for any office in the primary election, the qualifying period for that office shall be reopened for a period of three (3) days following the date the vacancy occurs unless said vacancy occurs less than six (6) days before the date of the primary election. If the vacancy occurs less than six (6) days before the primary election the scheduled primary election for the office wherein the vacancy has occurred shall be cancelled and the qualifying period for such office shall be reopened for three (3) days. All candidates qualifying for such office shall run in the general election and the candidate receiving the highest number of votes shall be elected to the office for which he is a candidate.

(b) *Regular general election vacancy.*

(1) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the primary election and more than six (6) days before the general election, the candidate receiving the next highest number of votes in the regular primary election for that office shall be placed on the ballot at the general election along with the remaining candidate. If there are no candidates who qualified for the regular municipal primary election available and at least six (6) days remain before the general election, the qualifying period for that office shall be reopened for a period of three (3) days following the date the vacancy occurs and all qualified candidates shall be placed on the ballot at the general election along with the remaining candidate.

(2) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the

primary election and less than six (6) days before the general election, the general election for such office shall be delayed fourteen (14) days at which time the municipal general election for that office shall take place. Qualifying will be reopened for a period of three (3) days beginning the day after the vacancy occurs.

- (c) *No candidate for office.* Should vacancies in candidacy leave no candidate remaining for an office less than six (6) days before the general election a special municipal primary election and special municipal election shall be called by the city commission, which elections shall be conducted in accordance with the provisions of Sections 7.09 and 7.10 of the Charter.

(Ord. No. C-91-6, § 1, 1-23-91)

Sec. 12-3. - Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. Words not defined in this article shall be defined in accordance with state and federal law or otherwise shall be given their common and ordinary meaning, unless the context clearly provides otherwise.

Candidate shall have the meaning given to such term in F.S. Ch. 106, as amended from time to time.

Committee of continuous existence shall have the meaning given to such term in F.S. Ch. 106, as amended from time to time.

Contribution shall have the meaning given to such term in F.S. Ch. 106, as amended from time to time. An independent expenditure, as that term is defined in F.S. Ch. 106, is not included within the meaning of contribution.

Labor organization or union means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Natural person shall mean any human being other than an unemancipated child under the age of eighteen (18).

Political committee shall have the meaning given to such term in F.S. Ch. 106, as amended from time to time.

Unincorporated association means any group of natural persons formed for a common purpose or objective.

Unopposed candidate shall have the meaning given to such term in F.S. § 106.011(15), as amended from time to time.

(Ord. No. C-02-09, § 2, 5-7-02)

Sec. 12-4. - Campaign contribution limits and prohibited contributions.

- (a) For purposes of subsection (b), *person* means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee.
- (b) It shall be unlawful for any person, either directly or indirectly, to make contributions to any candidate with respect to any election for the office of mayor or city commissioner, which, in the aggregate, exceed one thousand dollars (\$1,000.00).
- (c) It shall be unlawful for any candidate or other natural person to knowingly accept or receive any campaign contribution prohibited by this section.
- (d) The contribution limitations of this section apply to each election conducted to fill a particular office.

(Ord. No. C-02-09, § 3, 5-7-02; Ord. No. C-19-12, § 1, 6-18-19)

Sec. 12-5. - Penalties.

Any candidate, natural person, entity or organization who violates, permits to be violated or causes to be violated any provision of this chapter shall, upon such a finding by a court of competent jurisdiction, be assessed a civil fine in an amount not to exceed five hundred dollars (\$500.00) per violation.

(Ord. No. C-02-09, § 4, 5-7-02)