Ordinance 2022-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE II - OFFICERS AND EMPLOYEES, DIVISION 2 - CODE OF ETHICS, ESTABLISHING SECTION 2-68 - DEFINITIONS; SECTION 2-69 - REGISTRATION OF LOBBYISTS; SECTION 2-70 – VALIDITY OF ACTION; SECTION 2-71 – RECORD KEEPING RESPONSIBILITIES; SECTION 2-72 – MAINTAINING REGISTRATIONS AND CONTACT LOGS; SECTION 2-73 – PROHIBITED CONDUCT OF CITY OFFICIALS AND EMPLOYEES; SECTION 2-74 – COMPLIANCE; PENALTIES, AND RESERVING SECTIONS 2-75 – 2-95; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach wishes to establish registration and regulations for lobbying and lobbyists within the City.

WHEREAS, the Code of Ordinances Chapter 2, Article II, Division 2 “Code of Ethics” does not currently include any specific regulations related to lobbyists.

WHEREAS, the City Commission desires to establish a system to track lobbying activities to allow for greater transparency in City business.

WHEREAS, persons appearing before the City Commission, City staff, City boards, and City Committees benefit from having Lobbyist registration requirements that are consistent and uniform.

WHEREAS, the City Commission finds it in the best interest of its citizens to preserve and maintain the integrity of the members of the City Commission, board, committee and City employees.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2.

Chapter 2, Article II, Division 2 shall be amended as follows:
Sec. 2-68 – Definitions.

The following terms will be defined for this Section:

*Lobbying* – means communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the City Commission, or any member or members of any decision making body under the jurisdiction of the City Commission, or any City employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the City Commission, or any decision-making body under the jurisdiction of the City Commission, or which may be presented for consideration by a City employee as a recommendation to the City Commission or decision-making body.

*Lobbyist* – means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any City Commissioner; any action, decision, recommendation of the City manager or any City board or committee; or any action, decision or recommendation of any City personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the City Commission, or a City board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities. The term "lobbyist" specifically excludes the following persons:

i) Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; ii) any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and iii) any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.

The persons specifically excluded above from the definition of "lobbyist" shall, prior to communicating with City personnel, disclose in writing to the City clerk, their name, address, and principal on whose behalf they are communicating.

*Lobbying firm* – means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation or the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

*Principal* – means a person, firm, corporation, or other legal entity which has employed or retained a lobbyist.

*Employee* – means all persons employed directly or indirectly by the City of St. Pete Beach.
Decision-making body – means any board or committee established by the City Commission, City Manager and/or committee appointed by the City Manager.

Sec. 2-69 – Registration of lobbyists.

All lobbyists, as defined herein, shall register with the City Clerk on an annual basis, January 1 each year, including the payment of a $50.00 fee, or as amended in Appendix A in the City’s Code of Ordinances, prior to engaging in any lobbying. Registration shall be updated to add or withdraw principals and/or individual lobbyists before a lobbyist commences lobbying on behalf of any new principal. If the general or specific area of legislative interest changes, written notification shall be filed with the City Clerk reflecting such amendments, and such notification shall be made prior to lobbying on any new subject.

Each lobbyist shall be required to register on forms prepared by the City Clerk. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, position on such legislative interest, and the nature and extent of any direct business association or partnership with any current member of the City Commission, City employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation, or legal entity, provided the registration shall list the names of all persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this Ordinance.

Sec. 2-70 – Validity of action.

The validity of any decision, action, recommendation, or determination made by the City Commission, board, committee, or employee shall not be affected by the failure of any person to comply with the provisions of this Ordinance.

All members of the City Commission, boards, committees, and City employees shall be diligent to ascertain that a person required to register pursuant to this Ordinance have complied, and if necessary, request a record of compliance from the City Clerk.

Sec. 2-71 – Record keeping responsibilities.

City Commissioners, board members, committee members, and City employees, as defined in this Section shall be responsible for maintaining a written log, in the form established by the City Clerk, which documents each oral lobbying communication or meeting. The written log shall be on a form as prepared by the City Clerk. The log shall, at a minimum, reflect the name of the lobbyist, the date of the contact, whether telephone or in person oral contact, and the subject matter discussed.

City Commissioners, board members, committee members, and City employees shall deliver their logs to the City Clerk’s Office at the end of each quarter and at the conclusion of their final term in office. City employees must deliver their logs to the City Clerk at the end of
each quarter and upon the conclusion of their employment with the City.

Sec. 2-72 – Maintaining registrations and contact logs.

The City Clerk shall accept and maintain the annual lobbyist registrations and the quarterly log of lobbyist contacts, which shall be open for public inspection.

Sec. 2-73 – Prohibited conduct of city officials and employees.

No member of the City Commission, board, committee or employee of the City shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the City Commission, board, committee or employee knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.

No member of the City Commission or employee of the City shall appear before the City Commission for compensation for two years from the date he or she leaves the City Commission or City employment.

Sec. 2-74 – Compliance; penalties.

The City Clerk shall monitor lobbyists for compliance with this section and shall develop procedures for suspension of lobbyists until compliance is attained. The City Clerk will alert the City Commission to any instances of non-compliance and will inform the City Commission of any need to institute progressive penalties for repeat offenders.

The penalties for an intentional violation of this Ordinance more than once in a twelve-month period are as follows:

1) Second violation shall result in prohibition from lobbying for one year; and
2) Third violation shall result in prohibition from lobbying for two years.

Sec. 2-75 – Sec. 2-95 – Reserved.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect on September 1, 2022.

FIRST READING: January 25, 2022
PUBLISHED: February 9, 2022
SECOND READING: February 22, 2022
PUBLIC HEARING: February 22, 2022

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 22 day of February 2022.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney
LEGAL NOTICE

CITY OF ST. PETERSBURG
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following Ordinances on February 22, 2022, at 6:00 p.m. or soon thereafter in the City Commission Chambers:

ORDINANCE 2022-04

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CODE OF ORDNANCES, CHAPTER 2 - ADMINISTRATION, ARTICLE II - OFFICERS AND EMPLOYEES, DIVISION 2 - CODE OF ETHICS, ESTABLISHING SECTION 2-68 - DEFINITIONS; SECTION 2-69 - REGISTRATION OF LOBBYISTS; SECTION 2-70 - VALIDITY OF ACTION; SECTION 2-71 - RECORD KEEPING RESPONSIBILITIES; SECTION 2-72 - MAINTAINING REGISTRATIONS AND CONTACT LOGS; SECTION 2-73 - PROHIBITED CONDUCT OF CITY OFFICIALS AND EMPLOYEES; SECTION 2-74 - COMPLIANCE; PENALTIES, AND RESERVING SECTIONS 2-75 - 2-95; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

ORDINANCE 2022-05

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA PROVIDING FOR AN AMENDMENT TO APPENDIX A OF THE CODE OF ORDNANCES; ESTABLISHING A LOBBYIST REGISTRATION FEE; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

ORDINANCE 2022-07

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA PROVIDING FOR SUPPLEMENTAL BUDGET APPROPRIATIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

PUBLIC HEARING LOCATION: St. Pete Beach City Hall – City Commission Chambers, 155 Corey Avenue, St. Pete Beach, FL 33706

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Any interested party may appear at the hearing and be heard with respect to these cases. Americans with Disabilities Act: Florida Statutes Chapter 286.26. Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the hearing for assistance.
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