

29 **Section 2:** That Chapter 2, Article III, “Lobbying” is hereby added to the Town of
30 Bay Harbor Islands Code of Ordinances, as more fully set forth in the attached Exhibit
31 “A”, and by reference is made a part hereof.

32 **Section 3:** That if any section, paragraph, sentence or word of this Ordinance or
33 the application thereof to any person or circumstance is held invalid, that the invalidity
34 shall not affect the other sections, paragraphs, sentences, words or application of this
35 Ordinance.

36 **Section 4:** That it is the intention of the Town Council of the Town of Bay Harbor
37 Islands, and it is therefore ordained, that the provisions of the Ordinance shall become
38 and be made a part of the Town of Bay Harbor Islands Code of Ordinances, that sections
39 of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and
40 that the word “Ordinance” shall be changed to “Section” or other appropriate word.

41 **Section 5:** That all Ordinances, parts of Ordinances, Resolutions or parts of
42 Resolutions in conflict herewith be and the same are hereby repealed to the extent of
43 such conflict.

44 **Section 6:** That this Ordinance shall be in full force and take effect immediately
45 upon its passage and adoption.

46 PASSED on First Reading this 8th day of October, 2025.

47 PASSED on Second Reading this 12th day of November, 2025.

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49 Motion By: Council Member Yaffe

50 Second By: Council Member D'Amico

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52 **FINAL VOTE ON ADOPTION:**

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54	Mayor Isaac Salver	<u>Yes</u>
55	Vice Mayor Stephanie Bruder	<u>Absent</u>
56	Council Member Teri D'Amico	<u>Yes</u>
57	Council Member Molly Diallo	<u>Yes</u>
58	Council Member Joshua Fuller	<u>Yes</u>
59	Council Member Eric Rappaport	<u>Yes</u>
60	Council Member Robert Yaffe	<u>Yes</u>

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ISAAC SALVER
MAYOR

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ATTEST:

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EVELYN HERBELLO, MMC
TOWN CLERK

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74 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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GREENSPOON MARDER, LLP

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TOWN ATTORNEYS

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BY: MORRIS G. (SKIP) MILLER, ESQ.

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81

82 **Exhibit "A"**

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84 **Additions to the Town of Bay Harbor Islands Code of Ordinances**

85 **Chapter 2 –**

86 **Article III. Lobbying.**

87 This section shall be applicable to all lobbyists as defined below, and shall also
88 constitute a standard of conduct and behavior for all lobbyists. The provisions of this
89 section shall be applied in a cumulative manner.

90 (1) *Definitions.* For purposes of this section, the following words, terms and
91 phrases shall have the meanings as indicated below:

92 a. *Town personnel.* Those town officers and employees specified to include
93 the mayor and town council members, town board or town committee
94 members, and all town employees.

95 b. *Lobbyist.* All persons, attorneys, firms, or corporations employed or
96 retained by a principal who seeks to encourage the passage, defeat, or
97 modifications of (1) any ordinance, resolution, action or decision of the
98 town council; (2) any action, decision, recommendation of a town board or
99 committee; or (3) any action, decision or recommendation of town
100 personnel during the time period of the entire decision-making process on
101 such action, decision or recommendation which foreseeably will be heard
102 or reviewed by the town council, or a town board or committee. "Lobbyist"
103 specifically includes the principal as well as any employee engaged in
104 lobbying activities, as defined in this section, as well as any agent, officer
105 or employee of a principal, regardless of whether such lobbying activities
106 fall within the normal scope of employment of such agent, officer or
107 employee. The term "lobbyist" specifically excludes any person who only
108 appears as a representative of a not-for-profit community-based
109 organization for the purpose of requesting a grant without special
110 compensation or reimbursement for the appearance; any person who only
111 appears as a representative of a neighborhood, homeowners or
112 condominium association without compensation for the appearance,
113 whether direct or indirect or contingent, to express support of or opposition
114 to any item, and any person whose representation is limited to interactions
115 with town staff or appearances at a public meeting as a representative of a
116 single family property owner for a design review or development approval
117 application for the single family property owned by that property owner.

118 c. *Principal.* All persons or entities who employ a lobbyist.

119 (2) *Lobbyist registration, fees, renewal and withdrawal.*

- 120 a. All lobbyists shall register with the town clerk before engaging in any
121 lobbying activities in the town. Every person required to register as a
122 lobbyist shall:
- 123 i. Register as a lobbyist.
- 124 1. Complete the annual lobbyist registration form, as prepared
125 by the town clerk, stating under oath his or her name,
126 business address, the name and business address of each
127 person or entity which has employed the registrant to lobby,
128 and the specific issue(s) on which the lobbyist has been
129 employed to lobby. If the lobbyist is a principal, owner or
130 employee of a corporation or other entity, it shall also be
131 identified.
- 132 2. Without limiting the foregoing, the lobbyist shall also identify
133 all persons holding, directly or indirectly, a five-percent or
134 more ownership interest in the corporation or other entity.
- 135 ii. Pay an annual lobbyist registration fee of \$300.00.
- 136 iii. Register and disclose terms for each principal represented.
- 137 1. Complete the annual principal registration form, as prepared
138 by the town clerk, prior to conducting any lobbying for each
139 principal (client). Such application shall include a
140 requirement that the lobbyist state under oath, his or her
141 name, business address, the name and business address of
142 each person or entity by which s/he has been employed to
143 lobby, the specific issue on which the lobbyist has been
144 employed to lobby, as well as a letter of permission signed
145 by the person, entity, principal or the principal's
146 representative, stating that the lobbyist is authorized to
147 represent him/her/it, together with a disclosure of the terms
148 and amount of compensation paid by each principal to the
149 lobbyist. Each lobbyist and his/her principal shall attach a
150 copy of a fee letter and specify whether any consideration or
151 fee shall be received for such lobbying activities. In the
152 alternative, such lobbyist shall submit to the town clerk a joint
153 affidavit, signed by the lobbyist and his/her principal,
154 disclosing the amount of compensation (to be) paid by each
155 principal to the lobbyist with regard to the specific issue on
156 which the lobbyist has been engaged.
- 157 2. Pay an annual principal registration fee of \$100.00.
- 158 3. If multiple lobbyists from the same firm represent the same
159 principal, then only one principal registration form and
160 principal registration fee of \$100.00 is required to be filed for
161 that principal. All lobbyists from the same firm who represent

162 the same principal must file a separate lobbyist registration
163 form and a lobbyist registration fee of \$300.00. All lobbyist
164 are required to file an expenditure report as outlined below in
165 2 (a) (iv). Any lobbyist from the same firm may submit all the
166 necessary documents to the town clerk on behalf of the firm.

167 iv. File a lobbyist expenditure report.

168 1. By January 15 of each year, all lobbyists shall submit to the
169 town clerk a signed statement under oath listing all lobbying
170 expenditures for the preceding calendar year. The statement
171 shall list in detail each expenditure by category, including
172 food and beverage, entertainment, research, communication,
173 media advertising, publications, travel, lodging and special
174 events, and town personnel on whose behalf or benefit the
175 expenditure was made. A statement shall be filed even if
176 there have been no expenditures during the reporting period.
177 Annual statements shall be required until such time as the
178 lobbyist files a notice of withdrawal of lobbying activities with
179 the town clerk.

180 2. The town clerk shall notify any lobbyist who fails to timely file
181 an expenditure report. In addition to any other penalties
182 which may be imposed, a fine of \$50.00 per day shall be
183 assessed for reports filed after the due date. Any lobbyist
184 who fails to file the required expenditure report by February
185 15 shall be automatically suspended from lobbying until all
186 fines are paid, unless the fine has been appealed to the
187 Miami-Dade Commission on Ethics and Public Trust.

188 A lobbyist or principal may appeal a fine and may request a
189 hearing before the Miami-Dade Commission on Ethics and Public
190 Trust. A request for hearing on the fine must be filed with the
191 Miami-Dade Commission on Ethics and Public Trust, with a copy
192 to the Town Clerk, within 15 calendar days of receipt of the
193 notification of the failure to file the required disclosure form.

194 v. File a notice of withdrawal. Each person who withdraws as a lobbyist
195 for a particular principal (client) shall file an appropriate notice of
196 withdrawal.

197 b. All lobbyist and principal registration forms, expenditure reports, notices of
198 withdrawal, and applicable fees shall be submitted to the town clerk. Such
199 forms may be amended from time to time administratively.

200 c. *Exemption from lobbyist registration fees.* A principal, owner or employee
201 of any business located in the Town of Bay Harbor Islands, including a
202 corporation, partnership, company or other entity, which appears as a
203 lobbyist on behalf of that entity, without special compensation or

204 reimbursement for the appearance, whether direct, indirect or contingent,
205 to express support for or opposition to any item before the town council or
206 board, shall register with the town clerk and comply with all requirements
207 imposed on lobbyists in this section, and must provide disclosure as to in
208 what capacity he/she is appearing before the town council, but shall not be
209 required to pay any lobbyist registration fees.

210 (3) *Expiration of lobbyist and principal registrations.* All lobbyist and principal
211 registrations expire December 31 of each year.

212 (4) *Processing of registration fees.* The registration fees required by this section
213 shall be deposited by the town clerk into a separate account and shall be
214 expended for the purpose of recording, transcribing, administration and other
215 costs incurred in maintaining these records for availability to the public.
216 Unexpended funds may be transferred to general revenue at the end of the
217 fiscal year. There shall be no fee required for filing a notice of withdrawal, and
218 the town council may, in its discretion, waive the lobbyist and/or principal
219 registration fee upon a finding of financial hardship.

220 (5) *Change in lobbyist information.* Any change to the information originally filed
221 pursuant to this section shall require that the lobbyist file, within three business
222 days from such changed circumstances, a signed statement under oath
223 amending the above-referenced reports. Additionally, in the event official action
224 on the specific lobbying issue is scheduled to occur during said three-day
225 period, the lobbyist and principal shall, prior to said official action, further
226 disclose the amendment by publicly stating on the record, at which the official
227 action is to occur, the subject amendment. The lobbyist has a continuing duty
228 to supply accurate information and amend said reports when so needed.

229 (6) *Creation of a lobbyist log.* The town clerk shall publish logs on a quarterly and
230 an annual basis reflecting the lobbyist registrations which have been filed in
231 accordance with this section. All logs required by this section shall be prepared
232 in a manner substantially similar to the logs prepared for the Florida Legislature
233 pursuant to F.S. § 11.045.

234 (7) *Town clerk to publish information.* The town clerk shall publish to the town
235 commission, town appointed boards or committees, town manager and other
236 personnel a list of registered lobbyists and their principals, for which they are
237 authorized to lobby, and any other disclosure made to the town clerk that is
238 required pursuant to state and county law. The information shall be
239 disseminated by the town clerk prior to town council meetings and public
240 hearings.

241 (8) *Town sign-in sheet.* Every lobbyist and principal shall sign in at the front desk
242 each time he or she meets with town personnel at a town facility, or shall
243 deliver a memorandum of said meeting to the town clerk within 24 hours of
244 meeting with town personnel at any other location, and shall inform the town
245 clerk, in writing, of (1) the name of the lobbyist or the principal of the local
246 business; (2) the town personnel in attendance; (3) the time and place of the

meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

(9) *Penalties for violation.*

- a. The town clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
- b. A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.
- c. The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the town council or any committee, board or personnel of the town as provided herein.
 - i. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 1. *First violation:* For a period of 90 days from the date of determination of violation.
 2. *Second violation:* For a period of one year from the date of determination of violation.
 3. *Third violation:* For a period of five years from the date of determination of violation.
 - ii. As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.
- d. A contract entered into in violation of this section shall also render the contract voidable. The town manager shall include the provisions of this section in all town bid documents, RFP, RFQ, and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

286 e. All members of the town council and all town personnel shall be diligent to
287 ascertain whether persons required to register pursuant to this section
288 have complied. Town council members or town personnel may not
289 knowingly permit a person who is not registered pursuant to this section to
290 lobby the town council members, or town appointed committee or board or
291 town personnel.

292 (10) *Lobbyist contingency fees prohibited.* No person may, in whole or in part,
293 receive or agree to receive a contingency fee. As used herein, "contingency
294 fee" means a fee, bonus, commission, or nonmonetary benefit as
295 compensation which is dependent on or in any way contingent on the passage,
296 defeat, or modification of: (1) an ordinance, resolution, action or decision of the
297 town council; (2) any action, decision or recommendation of the town manager
298 or any town appointed board or committee; or (3) any action, decision or
299 recommendation of town personnel during the time period of the entire
300 decision-making process regarding such action, decision or recommendation
301 which foreseeably will be heard or reviewed by the town council, or a town
302 appointed board or committee.

303 (11) *Conflict provision.* It is acknowledged that Section 2-11.1(s) of the Miami-Dade
304 County Code is a minimum standard to govern lobbying activities. If there is
305 any conflict between this section and the county code, this section shall
306 control.

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