ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 ENTITLED "CAMPAIGN FINANCE REFORM," BY ADDING THERETO SECTION 2-491 ENTITLED "PROHIBITED LOBBYING BY CAMPAIGN CONSULTANTS," PROHIBITING CAMPAIGN CONSULTANTS AND CERTAIN AFFILIATED PERSONS OR ENTITIES FROM LOBBYING CITY COMMISSION FOR 12 MONTHS SUBSEQUENT TO SWEARING IN OF SUBJECT ELECTED OFFICIAL(S), ESTABLISHING DEFINITIONS, AND LIMITED EXEMPTION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has a paramount interest in preventing corruption or the appearance of corruption which could result in the erosion of public confidence; and

WHEREAS, corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City elected officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions; and

WHEREAS, permitting a political consultant to lobby the City Commission for a certain period of time immediately following the swearing in of that consultant's former client(s)/Commission member(s) increases the likelihood of corruption or the appearance of corruption in the form of quid pro quo sale of official action; and

WHEREAS, prohibitions on campaign consultants lobbying former clients/members of the City Commission will protect public confidence in the electoral and governmental processes. It is thus the purpose and intent of the Miami Beach City Commission in enacting this Ordinance to prohibit campaign consultants from exploiting or appearing to exploit their influence with City elected officials on behalf of private interests.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article VII, Division 5 entitled "Campaign Finance Reform," is hereby amended by adding the following City Code section 2-491 entitled "Prohibited Lobbying by Campaign Consultants" to read as follows:

Sec. 2-491. Prohibited Lobbying by Campaign Consultants.

A.   Prohibition.

No campaign consultant shall lobby the City Commission for a period of 12 months following the swearing in of any elected official(s) for whom the campaign consultant provided campaign consulting services within the past election cycle.

B.   Definitions.

(a) "Campaign consultant" means any person or entity that receives or is promised economic consideration in exchange for campaign consulting services to a candidate for elected office in the City of Miami Beach.

(1) "Campaign consultant" shall include any individual who has an ownership interest of 10% or greater in the campaign consultant, and any employee of the campaign consultant, except as otherwise excepted below.

(2) "Campaign consultant" shall not include:

i) any vendor for a campaign whose primary responsibility is to supply goods or services for a campaign.

ii) an employee of a campaign consultant whose sole duties are primarily clerical; or

iii) an employee of a campaign consultant who did not personally provide campaign consulting services.

(b) "Campaign consulting services" means primary responsibility for campaign management or campaign strategy.

(c) "Campaign management" means conducting, coordinating or supervising a campaign to elect a candidate.

(d) "Campaign strategy" means formulation of plans for the election of a candidate.

(e) "Candidate" shall have the meaning ascribed to such term in Florida Statutes, section 97.021(5), as amended and supplemented.

(f) "Economic consideration" means any payments, fees, commissions, gifts, or anything else of value received directly or indirectly as consideration for campaign consulting services. The term "economic consideration" does not include reimbursements for out of pocket expenses.

(g) "Past election cycle" means the subject immediately preceding City of Miami Beach General Election/Special Election held for the purpose of electing a member of the City Commission.

(h) "Lobby" for purposes of this Code Section shall mean the act of seeking to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any member of the City Commission.

C. Limited Exemption.

A campaign consultant who has within the past election cycle provided campaign consulting services to an incumbent member of the City Commission, and has entered into a lobbying contract prior to the effective date of the ordinance creating this code section (the term of which lobbying contract includes the subject proscribed 12 month period established in Subsection A above and the scope of which lobbying contract involves lobbying members of the City Commission), is exempt from the proscription herein with limited regard to that subject lobbying contract.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2017.

PASSED and ADOPTED this _____ day of _____, 2017.

ATTEST:

_____
Philip Levine
Mayor

_____
Rafael E. Granado
City Clerk

Requested by Commissioner Joy Malakoff

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney   Date