

# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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September 16, 2015

Robert Meyers, Esq.  
Weiss Serota Helfman  
200 E. Broward Blvd. Suite 1900  
Fort Lauderdale, Florida 33301

Re: RQO 15-05 Robert Meyers  
Reporting lobbying expenditures

Dear Mr. Meyers:

At a public meeting on September 9, 2015, the Miami-Dade Commission on Ethics & Public Trust opined that personal travel, meals and lodging expenses incurred by a lobbyist are not reportable lobbying expenditures, provided the lobbyist is not providing the travel, meals or lodging for a County or municipal official, employee or individual, for the purpose of lobbying.

Section 2-11.1(s)(6)(a) of the Miami-Dade County Code requires that lobbyists submit by July 1<sup>st</sup> of each year, a lobbying expenditure report to the Clerk of the Board, listing all lobbying expenditures in excess of \$25 for the preceding calendar year.<sup>1</sup>

The Miami-Dade County's Lobbyist Expenditure Report Instructions prepared by the Clerk of the Board and used for many years to assist in the completion of the report, specify that "a lobbyist or principal salary, office expenses and personal expenses for lodging, meals and travel" are excluded from reportable lobbying expenditures.<sup>2</sup>

The rationale underlying the exclusion of personal expenses from reportable lobbying expenditures is rooted in the plain language of early versions of § 11.045 and § 112.3215,

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<sup>1</sup> Section 2-11.1(s)(6)(a) of the Miami-Dade County Ethics Code reads: "On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events."

<sup>2</sup> The County's Lobbyist Expenditure Report and Instructions may be found at [www.ethics.miamidade.gov/OnlineForms/FrequentlyUsedForms](http://www.ethics.miamidade.gov/OnlineForms/FrequentlyUsedForms)

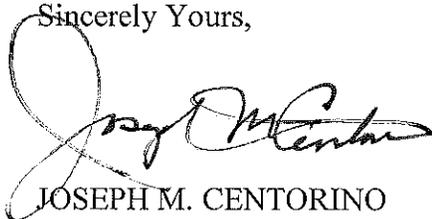
Florida Statutes, which address lobbying expenditure disclosure requirements before the State Legislative and Executive branches, respectively. Specifically excluded from these lobbying expenditures are a lobbyist's or principal's salary, office expenses, and *personal expenses for lodging, meals and travel*.<sup>3</sup> In fact, "lobbying expenditures" has been defined as those expenditures incurred in the act of lobbying, thus limiting it to expenses incurred by lobbyists in the process of seeking to influence an agency, its employees or its officials in an area of policy or procurement, while specifically excluding personal meals, lodging, and travel expenses, "as these expenses usually would not have a direct impact on any agency decisions." 90 Adv. Op. Fla. Comm. Ethics 19 (March 8, 1990).

Consequently, transportation expenses incurred by a lobbyist or principal in traveling to Miami-Dade County to lobby on behalf of clients is not a reportable lobbying expenditure under Section 2-11.1(s)(6)(a) of the County's Ethics Code.

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County and State laws.

If you have any questions regarding this opinion, please contact the undersigned or Staff Attorney Martha D. Perez at (305) 579-2594.

Sincerely Yours,



JOSEPH M. CENTORINO  
Executive Director and General Counsel

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<sup>3</sup> Prior to 2005, § 112.3215(5), Fla. Stats., required a lobbyist to submit semiannual statements listing all lobbying expenditures, including meals, entertainment, and gifts for public officers and employees; § 11.045(3) had the same requirements, however, it added that personal expenses for lodging, meals and travel were excluded from lobbying expenditures. In 2005, § 11.045 and § 112.3215, Fla. Stats. were amended, deleting the requirement for lobbyists to file expenditure reports and deleting the categories and exclusions of reportable expenditures. See 2005 Fla. Laws Chapter 359 (eff. 1/1/2006). However, these amendments did not alter the exclusions of personal expenses from lobbying expenditures. Additionally, Fla. Admin. Rule 34-12.175 (prescribing practices and procedures before the Executive branch) and Fla. Legislature's Joint Rule 1.4 and Memorandum of House Speaker Tom Lee underscore the exemption of a lobbyist or principal personal expenses for "travel", "lodging" and "food and beverages" from the prohibition on lobbying expenditures.