

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, September 27, 2017 9:03 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: [Ext] Matthew Bobys, Skadden et. al., Lobbyist registration, 2-11.1 (s), INQ 17- 234

[INQ 17-234 Bobys](#)

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**From:** Bobys, Matthew [mailto:Matthew.Bobys@skadden.com]  
**Sent:** Tuesday, September 26, 2017 4:55 PM  
**To:** Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** RE: [Ext] Matthew Bobys, Skadden et. al., Lobbyist registration, 2-11.1 (s), INQ 17- 234

Martha,

Thanks very much.

**Matthew Bobys**  
Counsel  
**Skadden, Arps, Slate, Meagher & Flom LLP**  
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**From:** Perez, Martha D. (COE) [<mailto:Martha.Perez2@miamidade.gov>]  
**Sent:** Tuesday, September 26, 2017 11:50 AM  
**To:** Bobys, Matthew (WAS)  
**Cc:** Centorino, Joseph (COE); Murawski, Michael P. (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE)  
**Subject:** [Ext] Matthew Bobys, Skadden et. al., Lobbyist registration, 2-11.1 (s), INQ 17- 234

Dear Mr. Bobys,

You inquired whether the COE has jurisdiction over a lobbyist who does not register to lobby in a municipality which does not have lobbyist registration requirements.

### Background

You indicate that your research into lobbyist registration requirements in the County and its municipalities revealed that the following municipalities did not have lobbyist registration ordinances and/or requirements: Bay Harbor Islands, Florida City, Village of Indian Creek, Virginia Gardens, Village of El Portal and Biscayne Park. You would like to know whether the failure to register in these municipalities is a violation of the County Ethics Code.

### Analysis

The Commission on Ethics has jurisdiction to interpret and enforce the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, which is also binding upon municipalities within Miami-Dade County. Section 2-11.1(a) of the County Ethics Code applies to: “all County personnel...and shall also constitute a minimum standard for all municipal officials and officers...” The Miami-Dade Code at Section 2-11.1(s) (Lobbying Ordinance), requires persons or entities employed or retained by a principal seeking to influence official County or municipal action, to register as

lobbyists with the Clerk of the Board (or the municipal clerk). Although the County ordinance is applicable to the municipalities, we have usually deferred to municipal requirements regarding registration matters (such as fees and deadlines to register) but not the registration requirement. See INQ 17-39. Individuals who lobby in a municipality should contact the clerk's office for that municipality in order to obtain information about that municipality's lobbying registration requirements. See COE's "Lobbying in Miami-Dade County FAQ's 2015".

The municipalities which you inquired about provided the following information:

- 1) Florida City has a lobbyist registration requirement. See Section 2-233 (*Registration*), Florida City Code (see attachment)
- 2) Town of Bay Harbor Islands requires lobbyists to complete a Lobbyist Registration Affidavit (see attachment)
- 3) Village of Biscayne Park requires lobbyists to complete Miami-Dade County's lobbyist registration form
- 4) Indian Creek Village does not have registration procedures in place at this time
- 5) Village of Virginia Gardens does not have registration procedures in place at this time
- 6) Village of El Portal is in the process of implementing a lobbyist registration form

Consequently, a person or entity intending to lobby in Miami-Dade County and its municipalities is required to register pursuant to Section 2-11.1(s), County Ethics Code. While Florida City, Bay Harbor Islands and Biscayne Park require lobbyists to complete a registration form, you should contact the remaining municipalities to ascertain whether they have instituted procedures for lobbyist registration, particularly after our inquiry. In the event there is no registration form to be completed, it is strongly recommended that the lobbyist inform the municipal clerk of his or her intent to lobby in order to avoid a violation of the County's Lobbying Ordinance. Hereupon, this office will be recommending the immediate implementation of a lobbyist registration form to those municipalities which do not have one.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

Sincerely,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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