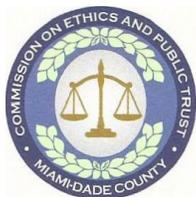


## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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June 15, 2022

Laura Munilla  
Board Member  
Vizcaya Museum and Gardens Trust  
Via email: [lauritamunilla@gmail.com](mailto:lauritamunilla@gmail.com)

Re: INQ 2022-104, Lobbying, Section 2-11.1(s), Miami-Dade County Ethics Code

Dear Ms. Munilla,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. You inquire whether as a Board Member for Vizcaya Museum and Gardens Trust (VMGTI), a non-profit organization<sup>1</sup>, you may request a meeting with a Miami-Dade County Commissioner to speak on behalf VMGTI without having to be registered as a lobbyist. You advise that that as part of the board's initiatives, you and other board members would like to meet annually with each County Commissioner to establish relationships and inform Commissioners of the management of the property including annual visitation by the community and upcoming projects. The meeting is intended to be purely informational in nature.

Miami-Dade County Ethics Code Section 2-11.1 (s)(1)(b) defines a lobbyist as "all persons, firms, entities, or corporations that are employed, designated, or retained by a principal, with or without compensation, or that contract with a third-party for economic consideration to perform lobbying activities on behalf of a principal. "Lobbyist" includes the principal that lobbies, as well as any

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<sup>1</sup> On July 6, 2017, Ordinance No. 17-42, approved by the Board of County Commissioners ("BCC"), amended Article LXXXI of the Miami-Dade Code. Under amended Article LXXXI, the County will retain the County's ownership of Vizcaya and its collection, but its management transitioned to the Trust to the Vizcaya Museum and Garden Trust, Inc. ("VMGTI"), a 501(c)(3) not-for-profit charitable organization, which has been established under Florida law. The ordinance includes a private-public partnership Operating and Management Agreement ("Operating Agreement"), between Miami-Dade County and VMGTI for the management and operation of Vizcaya, including personnel. VMGTI is created as an independent private entity rather than a County Board, but the amended Article and private public partnership Operating Agreement provide that the BCC will retain authority to approve the majority of the non-profit's board. See INQ 18-59.

employee that has been designated by the principal to perform lobbying activities on behalf of the principal.”

The County lobbyist ordinance excludes from the definition of the term “lobbyist” a nonprofit representative who appears before public officials on behalf of the nonprofit, without special compensation or reimbursement for the appearance, **only** for the purpose of requesting a **grant**. *See* Miami-Dade Code § 2-11.1(s)(2)(c); *see also* RQO 14-04; INQ 18-65; and INQ 18-72.

However, if a representative of a nonprofit lobbies public officers on matters **other than grant funding**, that representative must register as a lobbyist with the Miami-Dade Clerk of the Board and is exempt from paying the lobbyist registration fee. *See* Miami-Dade Code §2-11.19(s)(3) and (5); *see also* INQ 18-65 and INQ 18-72. The representative must also **attend and pay** for the Lobbyist Ethics Training. *See* Miami-Dade Code §2-11.19(s)(4); *see also* INQ-13-167 and INQ 18-65.

Section 2-11.1 (s)(3), of the County Ethics Code (s)(1)(d) defines the term lobbying activity as “any attempt to influence or encourage the passage or defeat of, or modification to, governmental actions, including, but not limited to, ordinances, resolutions, rules, regulations, executive orders, and procurement actions or decisions of the County Commission, the Mayor, any County board or committee, or any County personnel. The term "lobbying activity" encompasses all forms of communication, whether oral, written, or electronic, during the entire decision-making process on actions, decisions, or recommendations which foreseeably will be heard or reviewed by County personnel.”

The same parameters would apply to unpaid volunteers who lobby on behalf of a nonprofit. However, if a nonprofit hires a person or firm to lobby on its behalf, on a **compensated** basis, that lobbyist would be required to register as a lobbyist, pay the registration fee, and complete and pay for the Lobbyist Ethics training. *See* INQ 18-65.

In this case, where you are intending to meet with Commissioners on an annual basis for an informational meeting regarding the operation and management of Vizcaya Museum and Gardens, such actions do not constitute lobbying activity. *See* INQ 14-126 (Discussion at group meetings with the County Mayor that is merely informational in order to air out procedural differences, disagreements, grievances or misunderstandings concerning past actions or decisions, is not lobbying under the County Ethics Code); *see also* INQ 20-94 (Company representatives are not lobbying when they meet with Jackson Health System staff for a “meet & greet” to discuss their lung perfusion services predicate to the possible submission of an unsolicited proposal as long as no solicitation regarding similar activities are foreseeably pending at JHS). As long as you and your fellow board members do not attempt to influence County Commissioners regarding some governmental action, there is no required registration as a lobbyist prior to such meeting.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

Thank you again for seeking guidance from the Commission on Ethics. Please do not hesitate to contact me should you require any additional assistance.

Sincerely,



Loressa Felix, Esq.

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

cc: All COE Legal Staff

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.