

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

### COMMISSIONERS

Dr. Judith Bernier, CHAIR  
Wifredo “Willy” Gort, VICE CHAIR  
Nelson C. Bellido Esq.  
Judge Lawrence A. Schwartz  
Charlton Copeland, Esq.



### EXECUTIVE STAFF

Jose J. Arrojo  
EXECUTIVE DIRECTOR  
Martha Diaz Perez  
GENERAL COUNSEL  
Radia Turay  
ADVOCATE

April 29, 2022

Via email only to expedite delivery:

[Katy@katysorenson.com](mailto:Katy@katysorenson.com)

Ms. Katy Sorenson  
13200 Southwest 69<sup>th</sup> Avenue  
Pinecrest, Florida 33156

Re: INQ 2022-74, Section 2-11.1(s)(2)(g), Lobbying Exceptions, County Ethics Code

Dear Ms. Sorenson:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and for seeking guidance regarding the application of the Section 2-11.1.(s)(2)(g) of the Ethics Code relating to lobbying exceptions.

### Facts:

It is publicly reported that you are currently engaged as a consultant on governance issues, women's rights, and citizen activism. You were the founder, president and CEO of the Good Government Initiative at the University of Miami, an organization founded in 2010 to train elected officials, and candidates for public office, and to engage the community in its governance through outreach and education.

Previously, you served as a Miami-Dade County Commissioner for District 8. You served from 1994 to 2010. During your time on the Board of County Commissioners, one of your principal areas of focus was the environment.

Currently, you serve as an advisory board member and the Chairperson of the Building Better Communities Bond Program's Citizens' Advisory Committee (CAC). The CAC advises the Board of County Commissioners and County Officials on the implementation of a 2.9-billion-dollar bond program.

You have remained a vocal advocate for the environment and opposed to urban expansion beyond the current urban develop boundary (UDB) since leaving public office. <sup>1</sup>

Miami Dade County Commissioners have recently considered a request for expansion of the UDB related to a proposal by developers to build warehouses on several hundred acres of land in deep southwest Miami-Dade County. The project is described as the County's largest industrial park with 9 million square feet of commercial/industrial space including a hotel and shopping center.

You would like to address the Board of County Commissioners as a citizen opposed to an expansion of the UDB.

Issue:

Does Katy Sorenson have to register as a lobbyist in order to speak on her own behalf as a citizen in opposition to an expansion of the UDB?

Discussion:

Section 2-11.1(s)(1)(d) of the County Ethics Code defines 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.

Also, Section 2-11.1(s)(1)(e) of the Ethics Code 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 employee that has been designated by the principal to perform lobbying activities on behalf of the principal.

The definitions of lobbying activity and lobbyist are broad and consequently virtually any advocacy directed at County elected official, board members, or employees may constitute lobbying activity and the advocate may be classified as a lobbyist.

The Ethics Code does exempt certain activities and persons from the definition of lobbying activity and lobbyist, respectively.

---

<sup>1</sup> The UDB was originally established in 1975 to manage expansion outside the urban core to protect Everglades National Park, area wetlands, and the County's agricultural land. The UDB is the land use part of the County's Comprehensive Development Master Plan (CDMP), is reviewed every several years, and can be amended several times a year.

Notably, individual citizen advocacy does not constitute lobbying activity, and the citizen advocate is not considered a lobbyist.

Section 2-11.1(s)(2)(g) of the Ethics Code provides that:

Any person who only appears in his or her official capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect, or contingent, to express support or opposition to any item.

The Ethics Commission has previously interpreted the self-representation exception to apply to a citizen advocate who appears before the Board of County Commissioners to express support or opposition to an item, even if they are engaged or employed by a not-for-profit organization. As long as the advocate is appearing in his or her individual capacity, is not being compensated directly or indirectly for his or her appearance, and as recommended, clarifies that he or she is speaking on their own behalf and not on behalf of any organization with which they may have an association. (INQ 12-30)

Section 2-11.1(b)(4) of the County Ethics Code defines advisory personnel as those members of County Boards whose sole or primary responsibility is to recommend legislation or give advice to Board of County Commissioners. The members of the Building Better Communities Bond Program's Citizens' Advisory Committee are advisory personnel as defined in subsection (1)(b)(4) of the Ethics Code.

Section 2-11.1(m)(2) of the County Ethics Code provides that advisory board members are prohibited from appearing before the County board or agency on which they serve, either directly or through an associate, to present on behalf of a third party.

Opinion:

The County principal and lobbyist registration ordinance, found at Section 2-11.1(s) of the County Ethics Code contains an exception for citizen advocates involved in self-representation. Persons so engaged do not need to register as lobbyists.

Consequently, you may appear before the Board of County Commissioners as a citizen advocate and express opposition to an expansion of the UDB. Because you may be engaged with civic groups or entities that are likewise opposed to an expansion to the UDB and who may address the Board of County Commissioners in opposition, then it is recommended that you clarify as part of your presentation that you are speaking on your own behalf and not on behalf of any organization or group.

Also, while you are a County advisory board member, and as such are prohibited from appearing before you own board or agency on behalf of third party, you are planning to appear on your own behalf before the Board of County Commissioners, not the Building Better Communities Bond Program's Citizens' Advisory Committee. As such, the prohibitions contained in Section 2-11.1(m)(2) of the Ethics Code would not apply to your proposed appearance.

I hope that this opinion is of assistance, and the Ethics Commission remains available to discuss any matters addressed in this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arrojo".

Jose J. Arrojo  
Executive Director

cc: All Commission on Ethics Attorneys

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.