

ORDINANCE NO. 28-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ESTABLISHING ARTICLE X, "LOBBYING," OF CHAPTER 2, "ADMINISTRATION" OF THE GENERAL ORDINANCES TO REQUIRE LOBBYISTS REGISTRATION, LOBBYING DISCLOSURES, AND PAYMENT OF FEES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Deltona, Florida, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its General Ordinances; and

WHEREAS, the City of Deltona is committed to the principles of open government, transparency, and accountability set forth in the State Constitution and Florida Statutes; and

WHEREAS, the City of Deltona City Commission desires to set forth the rules, requirements, and restrictions that apply to lobbyists and others who may try from time to time to influence the acts and decisions of the City Commission or other final decisionmakers within the City; and

WHEREAS, the City of Deltona adopted Chapter 2, "Administration" as part of its General Ordinances; and

WHEREAS, the City of Deltona desires to establish, Article X, “ Lobbying,” of Chapter 2, “Administration,” for the purposes set forth above; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts Article X, “Lobbying,” and Chapter 2, “Administration” as set forth in “Exhibit A” attached hereto. For purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

TG Law, PLLC, CITY ATTORNEY

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

EXHIBIT "A"

CHAPTER 2 – ADMINISTRATION

ARTICLE X. LOBBYING

Sec. 2-390. Definitions.

Compensation means monetary consideration of any kind, either received or expected, including but not limited to, salary, payment, retainer, commission, consideration of any type, forbearance, forgiveness or any combination thereof. For purposes of this section, compensation shall only include something of monetary value.

Expenditure means the same as defined in Section 112.3215, Florida Statutes.

Lobbying means any communication, written or oral, or any meeting or discussion by a Lobbyist with any member of City Commission, Staff Decision Maker or board member wherein there is communicated, disclosed or discussed any matter which is or may be pending before City commission, Staff Decision Maker or the respective board in order to influence the action or inaction of the City commission, Staff Decision Maker or the respective board. The definition of lobbying includes appearances before City Commission and boards but does not include the act of filing an application on behalf of or as authorized agent for another.

Lobbyist means any person, regardless of title, who shall engage in lobbying as defined herein for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations.

Principal means the person, firm, corporation, or other entity that performs lobbying activity on behalf of itself or that has designated, employed, or retained a lobbyist to lobby on its behalf. The term "principal" also includes the person, firm, corporation, or other entity receiving the benefit of the lobbying effort and on whose behalf the lobbyist is lobbying, even if the lobbyist is retained, engaged, or employed by a third-party for such purposes.

Staff Decision Makers means the following employees of the City of Deltona who have been delegated final decision making authority by ordinance or administrative policy to make decisions on behalf of the City, including but not limited to: City Manager, Deputy City Manager, Building Official, City Engineer, Fire Marshall, Planning Director, Public Works Director.

Sec. 2-391. Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee.

- (a) A person may not lobby a city official, a city board member, the city manager, or city staff, until such person has registered as a lobbyist with the city clerk. Such registration shall be due within five business days of being retained as a lobbyist by a principal, prior to engaging in any type of lobbying activities, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$ _____ as an initial registration fee, plus an additional fee of \$ _____ for each principal represented for each issue lobbied on behalf of any one principal, or as otherwise may be established by the City

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Commission via Resolution in the Fee Schedule. The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration, and/or any other associated costs incurred in maintaining these records for availability to the public. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

(c) Within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever comes first, every person required to register as a lobbyist shall:

(1) Register on forms prepared by the city clerk;

(2) Pay an initial registration fee, plus an additional fee for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal, as provided in the Fee Schedule; and

(3) Disclose, under oath, the following information:

a. Lobbyist's name and business address;

b. Name and business address of each principal represented; and

c. The specific issue on which he or she has been retained to lobby.

d. A separate registration form shall be filed by the lobbyist and an additional fee of \$ _____, or as otherwise may be established by the City Commission via Resolution in the Fee Schedule, shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal. Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The city clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby.

e. For an initial registration, the a lobbyist shall disclose all lobbying activity conducted in the City of Deltona for the previous two (2) calendar years.

(d) In addition, every registrant shall be required to state under oath the existence of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city commission, any member of a city board, the city manager, or a member of the city staff before whom he or she lobbies, or intends to lobby.

(e) The city clerk shall maintain a log, which shall be updated on a quarterly basis by April 15, July 15, October 15 and January 15 of each year, reflecting the lobbyist registrations filed in accordance with this section and shall be distributed to the mayor, the city commission, and the city manager.

(f) The mayor, all members of the city commission, all members of city boards, the city manager, and city staff shall be diligent to ascertain that persons required to register pursuant to this section have complied, and if necessary, request a record of compliance

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from the city clerk. The mayor, members of the city commission, of city boards, the city manager, and city staff may not knowingly permit a person who is not registered pursuant to this section to lobby.

- (g) Each person who withdraws as a lobbyist for a particular principal shall file an appropriate notice of withdrawal concerning representation for that principal. There shall be no fee required for filing a notice of withdrawal.
- (h) The validity of any action or determination of the city commission or any other city board or committee shall not be affected by the failure of any person to comply with the provisions of this section.
- (i) The following persons shall be required to register but will be exempt from paying the registration fee:
 - (1) A person who, pursuant to the terms of a collective bargaining agreement, has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees;
 - (5) Persons or representatives of organizations contacted by the city commission member when such contact is initiated by the member;
 - (6) A person who appears under compulsion or subpoena by the city commission, board or staff member of a board;
 - (7) Any person in contractual privity with the City who appears only in his or her official contractual capacity in connection with the performance of the current contract.
- (j) The following persons shall be exempt from registration and payment of fees:
 - (1) Employees or representatives of any federal, state, county, municipal or independent authority discussing the business of their government or authority;
 - (2) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;
 - (3) Law enforcement personnel conducting an active investigation;
- (k) All registration forms shall be open to the public upon the filing thereof.

Sec. 2-392. Lobbying contact logs.

- (a) Lobbyists shall be responsible for maintaining a written log which documents contact with Lobbyists outside of a duly noticed public meeting. The log shall, at a minimum, reflect the name of the City Commissioner or Staff Decisionmaker, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.
- (b) Logs shall be filed with the city clerk on a quarterly basis by April 15, July 15, October 15 and January 15 of each year.

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Sec. 2-393. Annual expenditures report.

A lobbyist shall annually submit to the city clerk's office a signed statement under oath, as provided herein, listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include, but not be limited to: meals, entertainment, travel, lodging, and gifts for public officers and employees for the preceding calendar year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures for the preceding calendar year, entitled "Annual Expenditures Report" shall be due on January 15 of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open to public inspection. If the lobbyist had no expenditures in the preceding calendar year, then he or she shall not be required to submit an annual expenditures report.

Sec. 2-394. Penalties for violations.

- (a) Any lobbyist who fails to file the annual expenditures report by the January 15 deadline each calendar year shall be subject to a fine of \$50.00 per day for reports filed after the due date.
- (b) Any lobbyist who fails to file the quarterly lobbying contact logs shall be subject to a fine of \$50.00 per day for reports filed after the quarterly due date.
- (c) Upon verification of a lobbyist's failure to file the annual expenditures report or quarterly lobbying contact log, the city clerk shall notify the lobbyist by certified mail that the report or log must be filed within five business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he or she shall submit a new registration form accompanied by a \$ _____ registration fee, or such fee as otherwise established by the City Commission via Resolution in the Fee Schedule, plus any and all outstanding fines accrued prior to re-registration.
- (c) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration, quarterly filing, and/or annual filing requirements of this Article.
- (d) Whenever a violation of this article exists, the city commission may publicly reprimand, censure, and/or prohibit such lobbyist from lobbying before the city for a period of up to but not to exceed two (2) years. The city commission may also require the principal represented by any lobbyist found to be in violation of this article to pay outstanding penalties as a condition of the issuance of permits, payment of invoices, etc. if the fees remain unpaid by the lobbyist for a period exceeding ninety (90) days.
- (e) The penalties provided in this section are cumulative in nature. Nothing contained in this article shall prevent the city from pursuing any other remedies available to the city under the city's code and/or state law for the enforcement of its ordinances.