

		BOARD POLICY		<b>POLICY NUMBER POL 200-4</b>
<b>Title:</b>	Lobbying Prohibition			
<b>Effective:</b>	2-15-2024	<b>Revised:</b>	N/A	
<b>Supersedes:</b>	N/A	<b>Version:</b>	01	

## I. OF INTEREST TO

This policy is applicable to the South Florida Workforce Investment Board (SFWIB) dba CareerSource South Florida (CSSF), SFWIB staff, American Job Centers (AJC), Service Providers, Youth Service Providers, Training Providers, vendors, and partners.

## II. PURPOSE AND SCOPE

The purpose of the Lobbying Prohibition Policy is to provide uniform guidance regarding any individual or entity who appears as a lobbyist on behalf of a corporation, partnership or other entity.

## III. BACKGROUND

In order to ensure the highest standards of ethics and protection, the SFWIB shall abide by all federal, state, and local laws, regulations, and policies. In order to accomplish its purpose, the SFWIB requires its staff, partners, contractors, vendors, and individuals or representatives of organizations entrusted with public funds, to adopt and abide by all applicable federal, state and local laws and regulations and to conduct themselves in the manner described herein. Reasonable modifications to this policy may be made as needed or requested by the Florida Department of Commerce (FloridaCommerce) or Chief Local Elected Official (CLEO).

## IV. STATUTORY AUTHORITIES

- Workforce Innovation and Opportunity Act (WIOA), § 195
- 20 Code of Federal Regulations (CFR) [683.200\(e\)](#); 29 CFR [Part 93](#); and [34 CFR Part 82](#)
- Florida Statutes (FS) Sections [11.045](#); [11.062](#); [112.3122](#); [112.3148](#); [112.3149](#); [112.3215](#)
- Miami Dade County, Florida Code of Ordinances, Chapter 2-Administration, Article I- In General, [Section 2-11.1](#) (Conflict of Interest and Code of Ethics Ordinance)
- Miami Dade County Commission on Ethics & Public Trust [Two-Year Rule \(Post Employment Restrictions\)](#)

## V. DEFINITIONS

Approved By: Rick Beasley, Executive Director	DocuSigned by: <i>Rick Beasley</i>	3/14/2024
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- A. Compensation – means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.
- B. Honorarium – means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, in consideration for:
  - 1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media;
  - 2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.
- C. Lobbyist – means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the Miami Dade County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foresee ably will be heard or reviewed by the state, county commission, or a county board or committee .
- D. Person – means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
- E. Principal – means the president of a corporation; owner, president or chief shareholder of a corporation, or an individual who has been designated or who has the apparent authority to make final decisions on behalf of the corporate entity who is engaged in lobbying activities; or a member of the corporate board engaged in lobbying who has been appointed by the corporation to serve as its representative during negotiations or lobbying activities.
- F. Procurement Employee – means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in F.S. [287.012](#), if the cost of such services or commodities exceeds \$10,000 in any fiscal year.
- G. Vendor – means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

## VI. LOBBYING

The SFWIB shall adopt, operate under, and abide by the Miami-Dade County, Florida Lobbying Ordinance as well as all applicable state and federal laws, regulations, policies, and procedures.

The SFWIB shall ensure staff are trained on this policy and all applicable prohibitions in accordance with this policy and all applicable federal, state, and local laws, regulations, policies, and procedures.

**A. Activities**

Lobbying activities are applicable to the entire decision-making process and includes, but may not be limited to:

1. Face-to-face communications
2. In meetings (physical or electronic)
3. Telephone conversation(s)
4. Email exchanges

**B. Two Year Rule**

The County Ethics Code, section 2-11.1(q), provides that no person who has served as an elected County official, departmental personnel, or employee shall, for a period of two years after his or her County service has ceased, lobby any County officer, departmental personnel or employee, in connection with any judicial or other proceeding, application, Request For Proposal, Request For Quote, bid, request for ruling or other determination, contract, claim, controversy, charge or accusation in which Miami-Dade County or one of its agencies or instrumentalities is a party or has an interest whatever, direct or indirect.

After officially leaving Miami Dade County (County) employment, an employee, officer, department personnel may work for a County vendor and/or serve as principals of companies; however, the individual shall not lobby the County for a minimum of two years after leaving said employment.

Lobbying by former County officials or employees includes communications intended to influence a County decision even when that decision will not be reviewed by a County Commission, board, or committee.

Exceptions: The post-employment restriction shall not apply to former officials, personnel or employees who become employed by government entities, 501(c)(3) non-profit entities, or educational institutions or entities, and who lobby on behalf of these entities in an official capacity.

The two-year period begins when the County employee has officially separated from the County. The two-year period is calculated beginning on the day after the last day that the employee receives benefits or compensation from the County or municipality (e.g., payments for accrued vacation time, sick time, insurance, etc.).

A former employee who was stripped of decision-making authority and took leave before formally separating from the County is still considered an employee while on leave.

**VII. REGISTRATION**

Individuals seeking information regarding lobbyist registration forms, information and to register as a County lobbyist should do so via the Miami Dade County Clerk of the Board's Lobbyist Online Registration and Information System (LORIS).

The SFWIB shall require all lobbyists to register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.

An employee who lobbies shall be required to register as a lobbyist and pay the required registration and training fee.

Attorneys meeting with county personnel during the procurement process are required to register, unless the communication is strictly limited to legal matters and is not intended to influence the decision.

#### **VIII. CONFIDENTIAL INFORMATION**

Section 2-11.1(h) of the County Ethics Code provides that, "No person...shall disclose confidential information...gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit." Therefore, former employees should be mindful that if the service they provide to their new employer is related to the work they performed for the County, the former employee should consider whether he or she has access to confidential information through his or her County service which may provide an advantage to the new employer's dealings with the County.

#### **IX. PROHIBITIONS/LIMITATIONS**

- A. Lobbying is prohibited if the person is not properly registered.
- B. County officials, staff, or employees may inquire about post-employment status of any person and shall not meet with any former employee if they believe they will be lobbied.
- C. A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to the reporting individual's or procurement employee's public office or duties.
- D. A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee, as defined in F.S. [106.011](#), from a vendor doing business with the reporting individual's or procurement employee's agency, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

#### **X. EXCEPTIONS**

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.

#### **XI. REVISION HISTORY**

There are no revisions to this policy.

#### **XII. RESCISSIONS/CANCELATIONS**

There are no rescissions or cancelations for this policy.