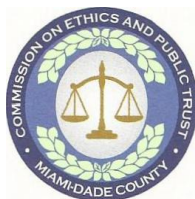


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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December 6, 2023

Rick Alves
Assistant General Counsel – Sponsored Research
Northeastern University
Sent via email to: r.alves@northeastern.edu

Re. INQ 2023-160, Lobbying, Section 2-11.1(s), Miami-Dade Ethics Code

Dear Mr. Alves,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the lobbyist registration requirements and whether they apply to staff members of Northeastern University (“Northeastern”).

Facts

Representatives of your organization, Northeastern, a non-profit research university, wish to meet with Miami-Dade County staff regarding potential collaboration on research into waste management solutions. Your institution seeks to contract with Miami-Dade County to design, conduct and/or evaluate this research project.

Issue

Whether employees of Northeastern must register as lobbyists in order to participate in the above-described meetings with county staff.

Analysis

Miami-Dade Ethics Code Section 2-11.1(s)(1)(e) defines 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.” Lobbying activity is defined as “any attempt to influence or encourage the passage or defeat of, or modification to, governmental actions,” and includes oral, written and electronic communications. *See* Miami-Dade Code § 2-11.1(s)(1)(d).

However, unpaid volunteers who appear before public officials on behalf of non-profits **only** for the purpose of requesting grants are excluded from the definition of lobbyist and are thus not required to register. *See* Miami-Dade Code § 2-11.1(s)(2)(c); *see also* RQO 14-04; INQ 23-60; INQ 22-104; INQ 18-72; INQ 05-191.

If a representative of a nonprofit lobbies County personnel on matters other than grant funding, that representative must register as a lobbyist with the Miami-Dade Clerk of the Board; however, the representative is exempt from paying the registration fee. *See* Miami-Dade Code §2-11.1(s)(3) and (5); *see also* INQ 23-60.

In INQ 23-60, a local non-profit, Friends of the Commodore Trail (“Friends”), wanted to schedule meetings between its paid and volunteer staff and both County and City of Miami personnel. The meetings with County personnel were merely informational, updating County staff on the progress of projects on the Commodore Trail and discussing grant funding that might be available from sources other than the County. The meetings with the City of Miami, however, involved representatives of the nonprofit advocating for legislative changes and the allocation of funds for maintenance and preservation of the Trail.¹ Friends was advised that the purely informational meetings would not require the volunteers or paid staff to register as lobbyists. By contrast, the meetings with staff in the City of Miami, which has similar definitions and provisions for lobbyist registration as the County does, would require that Friends volunteers and the paid staffer register. *See also* INQ 22-104; INQ 18-72; INQ 17-152. The representatives were also required to attend and pay for the Lobbyist Ethics Training. *See* Miami-Dade Code § 2-11.1(s)(4) and Footnote 7, RQO14-04. Nevertheless, 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* RQO14-04.

As in INQ 23-60, you and other Northeastern paid employees, as representatives of a non-profit, are required to register as lobbyists if you and they intend to discuss with county staff any government actions you and they would like Miami-Dade County to take. *See* INQ 23-60. Northeastern staff are exempt from the lobbyist registration fee, as long as you and they are not paid “special compensation” for the lobbying. *See* RQO 14-04 (“Special compensation would mean compensation that is different or in addition to regular wages and that is paid for a particular purpose”). You and your staffers must also pay for and attend Lobbyist Ethics Training within 60 days of registration. *See* Miami-Dade Code § 2-11.1(s)(4); Footnote 7, RQO14-04.

Opinion

You and any other representatives of Northeastern must register to lobby before you meet with County personnel to discuss any potential agreements, contracts or collaborations regarding research that you wish Miami-Dade County to enter into. *See* Miami-Dade Code §2-11.1(s)(1)(e) and (d), (3) and (5). Northeastern representatives are not required to pay the registration fee but must take lobbyist training. *See* Miami-Dade Code § 2-11.1(s)(4). They are required to attend and pay for ethics training, which is available online through our website, www.ethics.miamidade.gov.

¹ The Commodore Trail is a historic footpath used by successive tribes of Native Americans and Miami pioneers and is preserved in certain parks.

This opinion is based on the facts presented and is limited to an interpretation of the Miami-Dade County Code. If these facts change, or if there are any further questions, please contact us.

For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>

Sincerely,

Susannah Nesmith

Susannah Nesmith, Staff Attorney

cc. Commission on Ethics Staff 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 Commission on Ethics 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 this is an informal opinion, covered parties who 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.