

RESOLUTION NO. 641

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT
CREATING LOBBYIST RULES AND REGULATIONS;
PROVIDING FOR SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE.**

WHEREAS, the Central Florida Tourism Oversight District (“District”) exists pursuant its enabling act codified at Chapter 2023-5, Laws of Florida becoming effective on February 27, 2023 (the “Charter”); and

WHEREAS, Section 7(2) of the Charter authorizes the Board of Supervisors to “adopt administrative rules and regulations with respect to the conduct of the business of the district” and “any of the projects of the district, on proper notice and public hearing”; and

WHEREAS, Section 7 (6) of the Charter authorizes the Board of Supervisors to “Establish and create such departments, boards, committees, or other entities as from time to time the board deems necessary, or that are otherwise authorized by general law or this act”; and

WHEREAS, Section 23(4)(e) of the Charter authorizes the Board of Supervisors to “Provide for the manner in which such...codes, regulations, and restrictions shall be determined, established, and enforced, and amended, supplemented, changed, or repealed, as the board of supervisors may determine, with notice and public hearing as required by law”; and

WHEREAS, Section 13 of the Charter states, “The district shall have the power to exercise any of its rights, powers, privileges, and authorities in any and all portions of the district lying within the boundaries of Orange County, Osceola County, the City of Bay Lake, the City of Lake Buena Vista, and any other municipal corporation or other political subdivision, heretofore or hereafter created or organized, the boundaries of which lie wholly or partly within the geographic limits of the district, to the same extent and in the same manner as in areas of the district not incorporated as part of a county, municipality, or other political subdivision”; and

WHEREAS, Section 62 of the Charter States in part, “Enforcement and penalties (1) The board of supervisors or any aggrieved person may have recourse to such civil remedies as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act, and any bylaws, resolutions, regulations, rules, codes, and orders adopted under this act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof.”; and

WHEREAS, the Board of Supervisors wish to provide a uniform policy for the monitoring and regulation of the activities of Lobbyists dealing with the District; and

WHEREAS with this policy is the sole responsibility of the Lobbyist to comply with the District’s resolutions, regulations, rules, codes, and ordinances; and

WHEREAS, the Charter provides for regulations and codes of the District enacted pursuant to power and authority of the District are to be adopted by resolution of the Board of Supervisors upon a single reading and public meeting, with at least ten (10) days’ notice of an intent to adopt such resolution being published; and

WHEREAS, notice of intent to adopt this Resolution was published in the Orlando Sentinel on April 29, 2023 and a public hearing on this Resolution was held on May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT, THAT:

SECTION 1. RECITALS. The foregoing recitals are incorporated herein by reference and made a part hereof.

SECTION 2. Lobbyist Rules and Regulations. The following rules and regulations related to lobbying are hereby created and adopted as follows:

Lobbyist Rules and Regulations

Section 1. Intent. To provide a uniform policy for the monitoring and regulation of the activities of Lobbyists dealing with the District. Compliance with this policy is the sole responsibility of the Lobbyist.

Section 2. Definitions.

Board means the Board of Supervisors of the Central Florida Tourism Oversight District.

Lobbyist means any individual, entity or legal counsel who on behalf of another individual, firm, association, business or organization engages in Lobbying activities as defined below. Further, Lobbyist means any principal of any such business entity, or any employee of a principal, when communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. District officials, employees, attorneys or other consultants operating under an existing contract with the District, District employee union representatives, or representatives of other governmental entities or agencies, acting in that official capacity shall not be considered a Lobbyist for purposes of this policy.

Lobbying means directly or indirectly communicating with any Board member or with any member of a Procurement Committee to seek to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any action, resolution, agreement, recommendation, decision or other foreseeable action to be made by the Board or by the Procurement Committee. Lobbying shall include all such communications, regardless of whether initiated by the Lobbyist or another individual and regardless of whether verbal, written or electronic, however, shall not include appearance by a Lobbyist before the Board or Procurement Committee at a duly noticed public meeting. Notwithstanding the foregoing, it

shall not be deemed Lobbying for the purposes of this policy for an attorney to represent any client in connection with an existing contract with the District or in connection with the negotiation of any contract with the District.

Procurement Committee means any District board or committee (which often comprises of District staff members) that makes recommendations or decisions on procurement solicitations and/awards, including in regard to any Request For Proposals, Request For Letters of Interests, Request for Qualifications, Request For Bids or other formal procurement solicitation of the District.

Section 3. Registration and Re-Registration of Lobbyists. All Lobbyists shall register with the District before engaging in any Lobbying activities. All registered Lobbyist will be required to re-register with District prior to June 1st of each year before engaging in any Lobbying activities. Lobbyists will register with the District using designated forms as soon as such forms are available. Each Lobbyist who ceases Lobbying for a particular principal shall file a written notice of withdrawal with the District within seven (7) calendar days of such withdrawal. As soon as practicable, the District will establish a webpage on the District's website disclosing the Lobbyist registered with the District and a list of the Lobbyist's principals.

Section 4. Forms. The District Administrator may prescribe forms for the registration and re-registration of Lobbyists and may require, at a minimum, the following information:

- The Lobbyist's name and business address
- The Lobbyist's email address and telephone number
- The name and business address of each principal
- The specific areas of the principal's governmental interest

- Where the principal is a corporation or association, the name of the Chief Executive Officer
- Where the principal is a general partnership or joint venture, the names of all general partners
- Where the principal is a limited partnership, the name of the general partners and limited partners
- Where the principal is a trust, the names of all trustees and beneficiaries
- Except where the principal is an entity whose securities are traded in a public stock exchange, where the principal is a partnership, joint venture, corporation, association, trust or non-governmental entity other than a natural person, the names of all natural persons holding, directly or indirectly, a five (5) percent or more ownership interest in the entity; and Disclosure of any business, professional, or familial relationship that the Lobbyist or any employee of the Lobbyist may have with any District staff and/or Board members.

Section 5. Prohibition of Lobbying regarding Procurement. There will be a blackout period for Lobbying activities regarding formal procurement matters from the time that a Request For Proposals, Request For Letters of Interests, Request for Qualifications, Request For Bids or other formal procurement solicitation is released by the District to the time that the District makes an award under such procurement solicitation (“black-out period”). During a black-out period, it is prohibited to Lobbying on behalf of a competing party in a particular procurement matter any Procurement Committee member and/or any Board member. The black-out period does not apply to procurement matters in which no formal solicitation process is being used by the District to select a contractor, vendor, consultant, expert or attorney.

Section 6. Investigation of Violations, Penalties, Validity of Actions.

- A) Investigation.** Following an allegation that any part of this policy has been violated, the District General Counsel may request immediate compliance with the policy, request

further information, and may conduct such investigation as he/she shall deem necessary under the circumstances. The results of each investigation will be reported to the Board.

B) Penalties. The Board may warn, reprimand or censure the violator or may suspend or prohibit the violator from Lobbying the Board or any advisory body of the District for a period of time; provided, however that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the Lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The Board may reject a bid, proposal or response to a procurement solicitation, or void a contract entered into in connection with a violation of the black-out period under Section 5. The Board may by separate resolution set fines for violations of these regulations. The penalties provided in this subsection shall be the exclusive penalties imposed for violation of the regulations set forth herein. The failure or refusal of any Lobbyist to comply with any order of the Board suspending or prohibiting the Lobbyist from Lobbying shall be subject to lawful remedies as the District may pursue, including injunctive relief.

C) Validity. Except as set forth in the voidable-contract provisions of subsection B, the validity of any action taken by the Board or any District officers or employees shall not be affected by the failure of any person to comply with the provisions of this policy.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 4. CONFLICTS. Section 2 of this Resolution shall constitute regulations of the Central Florida Tourism Oversight District with the full weight, authority and force of law. In the event of a conflict or conflicts between this Resolution and any other resolution, ordinance/resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law. This Resolution shall apply to and be enforced throughout the unincorporated and incorporated areas of the Central Florida Tourism Oversight District, including within the jurisdictional boundaries of the City of Lake Buena Vista and City of Bay Lake.

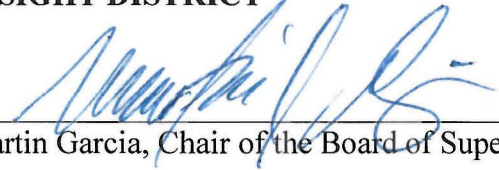
SECTION 5. EFFECTIVE DATE. This Resolution will take effect ten (10) days after its adoption.

ADOPTED at a regular meeting of the Board of Supervisors of the Central Florida Tourism Oversight District, held on this 10th day of May 2023.


**CENTRAL FLORIDA TOURISM
OVERSIGHT DISTRICT**

[SEAL]



By: 
Martin Garcia, Chair of the Board of Supervisors

ATTEST:


Tina Graham, District Clerk