

HOWARD C. FORMAN
CLERK OF CIRCUIT AND COUNTY COURT
17TH JUDICIAL CIRCUIT

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BROWARD COUNTY COURTHOUSE
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Clerk of Courts Policy on Lobbying

I. Definitions:

“Clerk” shall mean the Clerk of County and Circuit Courts for Broward County, Florida.

“Cone of silence” means a prohibition on any communication regarding competitive solicitation between any person who seeks an award therefrom, including a potential vendor or vendor’s representative, and the Clerk, the Clerk’s employees, or any Clerk staff selected to evaluate or make recommendations for selection in the procurement process.

“Lobbying” shall mean the communication directly or indirectly, by person, telephone, letter, or any other form of communication, with the Clerk, any member of an evaluation, selection or negotiation committee, or any employee of the Clerk, where the lobbyist seeks to influence the vote of a committee or the Clerk’s decision-making process in a procurement or policy decision.

“Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. “Lobbyist” does not include a person who is a public officer, employee or appointee who appears in his or her official capacity.

“Person” means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

II. Cone of Silence:

A Cone of Silence shall be applicable to each competitive solicitation process utilized by the Clerk and shall terminate upon the Clerk’s action to award a contract, to reject all bids, proposals or responses, or other action to end the solicitation.

Notwithstanding the Cone of Silence provisions, a potential vendor or vendor’s representative may communicate with designated Clerk staff for the purpose of seeking clarification or additional information regarding the procurement process, make presentations before the selection or evaluation committee or Clerk, or engage in contract negotiations as required by the competitive solicitation process.

The Clerk or an employee of the Clerk may contact and have communications with a potential vendor or vendor’s representative for the purpose of obtaining further information regarding the vendor’s proposal.

III. Registration and Statements:

Prior to engaging in lobbying activities, a registration statement under oath must be filed with the Clerk’s Purchasing Division and must contain the following:

- The lobbyist's full name, residence address, business address, and nature of business.
- The full name and address of his or her employer, if any.
- The general and specific procurement process or matter which the lobbyist seeks to influence.
- The extent of any direct business association by the lobbyist with the current Clerk or any employee of the Clerk. A "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
- A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf. A copy of said authorization shall be attached to the registration statement.

A lobbyist shall file a separate registration statement for each employer on whose behalf he or she lobbies.

A lobbyist shall submit to the Clerk annually a signed statement under oath, disclosing all lobbying expenditures, contingency fees and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from July first to June thirtieth shall be filed no later than July fifteenth of each year. Said statements shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required herein.

Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the responsibility of filing the statements required herein for that portion of the year during which the lobbyist was engaged in lobbying activities.

IV. List of Current Lobbyists:

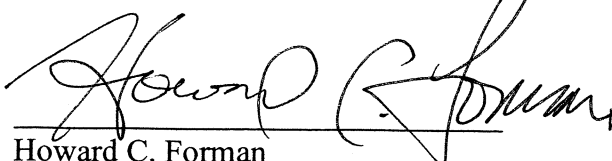
The Clerk shall keep a current list of registered lobbyists and the statements required herein, all of which shall be open for public inspection.

V. Violations:

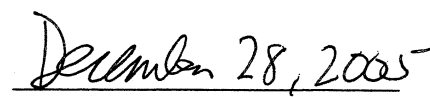
A bidder or proposer shall be excluded from Clerk contracting and Clerk-approved subcontracting for a period of one year where the bidder or proposer has violated the Cone of Silence or registration and statement requirements set forth herein, either directly or indirectly or any combination thereof, on two or more occasions. A "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing the bidder or proposer. The validity of any action or determination by the Clerk shall not be affected by the failure of any person to comply with the lobbyist provisions set forth herein.

VI. Effective Date:

This policy shall become effective on January 1, 2006.



 Howard C. Forman
 Broward County Clerk of Courts



 Date