

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING TO CHAPTER 2, ARTICLE VI, DIVISION 1, A NEW SECTION NUMBERED 2-172, ENTITLED "RESTRICTIONS ON REPRESENTATION FOR COMPENSATION BEFORE THE TOWN BY FORMER OFFICERS OR EMPLOYEES"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute 112.313(13) provides that a municipality may adopt an ordinance restricting personal representation for compensation by former officers or employees before the municipality for a period of two (2) years following vacation of office or termination of employment; and

WHEREAS, the Town wishes to implement such an ordinance in accordance with the statute.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Chapter 2, Article VI, Division 1 of the Code of the Town of Davie is hereby amended by adding thereto a new section to read as follows:

**Sec. 2-172. RESTRICTIONS ON REPRESENTATION FOR COMPENSATION BEFORE THE TOWN BY FORMER OFFICERS OR EMPLOYEES.**

No appointed officer or employee of the Town of Davie shall, for a period of two (2) years following vacation of office or termination of employment, personally represent another person or entity for compensation before the Town of Davie except for the purposes of collective bargaining.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect sixty (60) days after its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

**Town Council Minutes  
January 6, 1999**

**15. NEW BUSINESS**

**15.1 Discussion of Proposed Ordinance**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING TO CHAPTER 2, ARTICLE VI, DIVISION 1, A NEW SECTION NUMBERED 2-172, ENTITLED "RESTRICTIONS ON REPRESENTATION FOR COMPENSATION BEFORE THE TOWN BY FORMER OFFICERS OR EMPLOYEES"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Councilmember Judy Paul)

Councilmember Paul advised that this ordinance was based on the Florida State Statutes. Mayor Venis indicated that the Statutes prohibited former elected officials from practicing before the elected body for two years, but did not prohibit practicing before an appointed board. He clarified that this ordinance expanded this prohibition to employees. Mr. Webber explained that this ordinance governed appointed officers and employees. He indicated that an appointed officer were individuals who were appointed by Council such as the Town Clerk and the Town Attorney. Mr. Webber indicated that he would have to conduct research to determine if an advisory board appointment was deemed an officer.

Councilmember Weiner indicated that he had a problem with this ordinance because the lobbyist registration ordinance defined what activities could be accomplished. He stated that the Town was not trying to prohibit people from earning a living but if an individual represented someone, that individual would have to register.

Vice-Mayor Cox questioned if the Town wanted to exclude former employees from lobbying at the Town, to exclude former Councilmembers from lobbying the new Council, or to exclude an architect who was a Site Plan Committee member from representing a client. Councilmember Paul indicated that she did not feel the ordinance included advisory board members. She stated that she wanted the ordinance for a former employee. Discussion ensued regarding new employees signing an agreement that he/she would not lobby the governing body for two years after they were terminated. Mr. Rawls indicated that this would amend the Personnel Rules and if it affected the bargaining units, it would have to be negotiated.

Councilmember Weiner indicated that he thought the Town was covered by the lobbyist registration and did not want to tell someone they could not make a living.

Mayor Venis indicated that it appeared that this issue had died and the Town would not proceed.

Mayor Venis indicated that item 15.2 needed to be added to the agenda.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to add. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**15.2** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
**R-99-20** AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Mr. Webber explained the resolution.