

ORANGE COUNTY SPECIFIC PROJECT EXPENDITURE REPORT

**This form should be completed in full and filed with all application submittals.
 This form shall remain cumulative ** File any amendment with the department processing your application.**

Part I

Please complete the following:

Name and Address of Principal or Principal's Authorized Agent: _____

Name and Address of Lobbyist, consultants, contractors, if any: _____

Part II

Expenditures:

An "expenditure" is defined to mean a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying, as this term is defined in section 2-351, Orange County Code. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106, FS, or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4). (s.112.3215, FS) Do not disclose professional fees paid by the principal to his/her lobbyist for the purpose of lobbying. (s.2-354, Orange County Code)

The following is a complete list of all lobbying expenditures incurred by the principal or his/her authorized agent, his/her lobbyist, and/or his/her contractors, if applicable, expended in connection with the above-referenced project or issue:

Date of Expenditure	Name of Payee	Description of Expenditure	Amount Expended
			\$
			\$
			\$
			\$
			\$
			\$
			\$

If continued on a separate sheet, please check here _____

Total Expenditures this Report: \$ _____

Date of this Report: _____

Case # _____

(where applicable)

Part III

I hereby certify that information provided in this specific project expenditure report is true and correct based on my knowledge and belief. I further acknowledge and agree to comply with the requirement of section 2-354 of the Orange County code to amend this specific project expenditure report for any additional expenditure incurred related to this project prior to the scheduled Board of County Commissioner meeting. In accordance with s. 837.06, Florida Statutes, I understand and acknowledge that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor in the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Date: _____

Signature of Principal or Principal's Authorized Agent*
(check appropriate box)

STATE OF FLORIDA :
COUNTY OF _____ :

I certify that on _____, before me, _____, an officer duly authorized by the State of Florida and in the county mentioned above, to take acknowledgements, personally appeared _____, to me known to be the person described in this instrument or to have produced _____, as evidence, and who has acknowledged before me that he or she executed the instrument and did / did not take an oath.

Witness my hand and official seal in the county and state stated above on the _____ day of _____, in the year _____.

(Notary Seal)

Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

**If form is signed by the Principal's Authorized Agent, please attach the completed Agent Authorization form.*

Case # _____
(where applicable)

FREQUENTLY ASKED QUESTIONS (FAQ)

Specific Project Expenditure Report

Updated 12-18-08

WHAT IS A SPECIFIC PROJECT EXPENDITURE REPORT (SPR)?

In summary the Specific Project Expenditure Report (SPR) is a report of all lobbying expenditures incurred by the principal and his/her agent and the principal's lobbyist, contractors, and consultants, if applicable, for certain projects or issues that will come before the Board or County Commissioners (BCC). Projects that are specifically exempt from the SPR requirement include ministerial items, resolutions, agreements in settlement of litigation matters in which the County is a party, ordinances initiated by county staff, and some procurement items. Professional fees paid by the principal to his/her lobbyist for the purpose of lobbying need not be disclosed on this form. (Reference s.2-354, County Code)

WHAT IS LOBBYING?

The County Code defines "Lobbying" to mean communicating directly with the County Mayor, any member of the BCC, or with the member of a County procurement committee **or** communicating indirectly with the Mayor or any other member of the BCC by directing the communication to a staff member of the Mayor or member of the BCC, the County Administrator, any deputy or assistant county administrator, the County Attorney, any county department director, or any county division manager.

In all cases, Lobbying is activity which seeks to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any ordinance, resolution, agreement, development permit, other type of permit, franchise, vendor, consultant, contractor, recommendation, decision or other foreseeable action of the BCC and will include all communication whether oral, written or electronic and whether initiated by the lobbyist or by the person being lobbied. (Reference s. 2-351, County Code) Lobbying does not include the act of appearing before a Sunshine Committee, such as the Development Review Committee or the Roadway Agreement Committee.

WHO FILES THE SPR?

The principal or his/her authorized agent will complete the SPR. Section 2-351, County Code, defines a Principal as the person, partnership, joint venture, trust, association, corporation, governmental entity or other entity which has contracted for, employed, retained, or otherwise engaged the services of a lobbyist. Principal may also include those persons, partnerships, joint ventures, trusts, associations, corporations, limited liability corporations, or other entities where they or their employees do not qualify as a lobbyist but do perform lobbying activities on behalf of a business in which they have a personal interest. For purposes of filing an SPR, principal does not include governmental entities.

WHAT IS AN EXPENDITURE?

Section 112.3125, Florida Statutes, defines "Expenditure" to mean "a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a

lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4)." Professional fees paid by the principal to his/her lobbyist for the purpose of lobbying need not be disclosed on this form. (Reference s.2-354, County Code)

HOW DO I FILE THE SPR?

The BCC requests only one original, signed, cumulative SPR be filed that documents all lobbying expenditures incurred for each specific project or item that will come before the BCC. The SPR must be prepared and contain the original signature of the principal or his/her authorized agent, must be filed with the County Department processing your application, and will remain a part of the application packet for your project or item. (Reference s. 2-354(b), County Code)

WHEN DO I FILE THE SPR?

In most cases the SPR will be collected with your other application forms. The final, cumulative SPR should be filed with the County Department processing your application no less than seven (7) days prior to the scheduled BCC agenda date. (Reference s. 2-354(b), County Code)

CAN I UPDATE THE SPR?

Yes, you may. In fact, all updates to the SPR remain a continuing obligation of the principal or his/her authorized agent and, where an additional expenditure is incurred subsequent to the initial filing of the SPR, an amended SPR should be filed prior to the scheduled BCC meeting. An amended SPR should be filed with the County Department where the original application, including SPR, was filed.

If additional expenditures occur after the final amended SPR is filed and within 7 days of your BCC hearing date, an update to the SPR must then be verbally presented to the BCC if your item is a discussion item or is set for a public hearing. If your item is on the consent agenda and an update occurs within 7 days of the BCC meeting, the item will be pulled from the consent agenda to be considered at a future meeting. (Reference s. 2-354(b), County Code)

WHERE DO I FILE THE SPR AND SUBSEQUENT UPDATES?

The SPR and any update to the SPR should be filed with the County Department processing your application. The SPR and any updates must be filed no less than 7 days prior to your BCC hearing date. (Reference s. 2-354(b), County Code)

CONCLUSION:

We hope you find this FAQ useful to your understanding of the SPR. The County Attorney's staff is unable to render legal advice to constituents; however, constituents are encouraged to seek legal advice on matters of the law from their own legal counsel.



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

No.: **NEW**

Date: 12-16-08

Approved By: BCC

Title: **SPECIFIC PROJECT EXPENDITURE REPORT**

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I. POLICY

Subsection 2-354(b) of the Orange County Code (Code) requires that all principals or their authorized agent submit to the appropriate county department, excluding professional fees paid by the principal to his/her lobbyist for the purpose of lobbying, one specific project expenditure report (SPR) for all lobbying expenditures incurred by the principal and his or her authorized agent (which is supported by a completed authorized agent form) and his/her lobbyist, contractors, and consultants for projects or issues to be presented to the Board of County Commissioners (BCC) even if the expenditure value is \$0.

For purposes of completion of the SPR, principal or principal's authorized agent does not include governmental entities but does include persons, partnerships, joint ventures, trusts, associations, corporations, limited liability corporations, or other entities where the principal or employee is not a lobbyist under the Code but does perform lobbying activities on behalf of a business in which they have a personal interest.

The Code requires that the SPR format be adopted separately by administrative regulation.

II. PROCEDURES

- A. Effective with items submitted to or filed with the County after January 1, 2009, the County Department administering any project or issue (Department), will provide the SPR to any principal or principal's authorized agent for those projects or issues that will come before the BCC for final determination unless that project or issue is exempt from the SPR requirement.
- B. In cases where a SPR is required, a signed and notarized SPR and any amendments thereto will be collected by the Department administering the project or issue, even if the value of expenditure is \$0, and will be presented as a part of the BCC agenda back up. The form will remain cumulative.
- C. Effective with items submitted to or filed with the County after January 1, 2009, the Agenda Development Office must have one completed SPR, containing the signature of the principal or the principal's authorized agent and signature of a notary, in order to schedule those projects or issues not otherwise exempt for an

upcoming BCC agenda. If the SPR is signed by the principal's authorized agent a copy of the Agent Authorization form should accompany the SPR. Additional copies may be required by Agenda Development to distribute to the BCC.

D. The form of the SPR, as drafted, must contain the following elements:

1. The Name and Address of the principal or the principal's authorized agent;
2. The Name and Address of principal or his/her agents lobbyists, consultants, and contractors, if any;
3. A table in which the principal or his/her agent lists all lobbying expenditures incurred by the principal and the principal's authorized agent, his or her lobbyist, and/or his or her contractors, if applicable, expended in connection with the project or issue; and
4. A signed certification by the principal or principal's authorized agent, which must be notarized, in which the principal or his/her agent:
 - a. certifies that all information provided in the SPR is true and correct;
 - b. acknowledges and agrees to amend the SPR to include any additional expenditures related to the project or issue that are incurred after submittal of the SPR but prior to the scheduled BCC meeting date; and
 - c. acknowledges that it is a second degree misdemeanor to knowingly make a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty.

E. One cumulative SPR will be filed for each project or item unless exempt. Any amendments to the SPR must be filed with the Agenda Development Office no later than seven (7) business days prior to the BCC meeting date on which this item will be presented to the BCC. For an item set for public hearing, if additional expenditures are incurred within the seven (7) business day period prior to the BCC meeting date, changes may be made verbally at the public hearing before the BCC, if applicable. However, if the item is scheduled to appear on the BCC consent agenda and additional expenditures are incurred within the seven (7) business day period prior to the BCC meeting date, the item will be removed from the consent agenda for that BCC meeting date.

F. The following items are exempt from the SPR requirement:

1. Ministerial items presented to the board which require a mandatory act or duty and admit of no personal discretion or judgment in its performance.
 2. Settlement agreements of matters in which the County is a party.
 3. Matters in which the County is the principal or the primary applicant.
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4. Discussion items or workshop items with no action requested by the BCC.
5. Request for approval of resolutions by the BCC.
6. Ordinances amending the Code which are presented by County staff.

G. Specified procurement matters, other than competitive sealed proposals or procurement of professional services, shall be exempt from the SPR requirement. Where required the completed SPR shall be submitted at the time a proposal is submitted to the County and the SPR shall be updated, if necessary, in cases where a protest is filed regarding a recommendation.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCES: Section 2-354, Orange County Code