

1 ORDINANCE NO. 2015-55

2 AN ORDINANCE OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
4 AMENDING SECTION 1-19 OF THE BROWARD COUNTY  
5 CODE OF ORDINANCES ("CODE") RELATING TO THE  
6 BROWARD COUNTY ELECTED OFFICIAL CODE OF  
ETHICS; PROVIDING FOR SEVERABILITY, INCLUSION IN  
THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)

8 WHEREAS, on November 4, 2008, Broward County's voters approved an  
9 amendment to the Broward County Charter creating the Broward County Ethics  
10 Commission (the "Ethics Commission"), which was charged with drafting a code of  
11 ethics governing the Board of County Commissioners (the "Board") and presenting the  
12 drafted code to the Board by March 2010; and

13 WHEREAS, the Board was required to either enact the ethics code as drafted by  
14 the Ethics Commission, or place the drafted code on the November 2010 general  
15 election ballot for consideration by the County's voters; and

16 WHEREAS, on August 10, 2010, the Board enacted the code drafted by the  
17 Ethics Commission as Ordinance No. 2010-22; and

18 WHEREAS, as enacted, the code applied to County Commissioners, their  
19 specified relatives, their office staff, and certain other individuals; and

20 WHEREAS, on October 11, 2011, through enactment of Ordinance No. 2011-19,  
21 the code was expanded to also apply to municipal elected officials, their specified  
22 relatives, and their office staff (as expanded, the "Elected Official Code of Ethics"); and

23 WHEREAS, it became evident soon after enactment that the code contained  
24 certain problematic provisions, which provisions created difficulties in applying and

1 enforcing the code, potentially chilled legitimate actions and speech, and resulted in  
2 other unintended adverse consequences; and

3 WHEREAS, despite the manifestation of these problems, the Board determined  
4 that it would delay consideration of amendments to address these problems until,  
5 through years of experience in applying the code, the Board had the opportunity to  
6 identify the appropriate and required amendments; and

7 WHEREAS, County Commissioners have now been subject to the Elected  
8 Official Code of Ethics for more than five (5) years, and municipal elected officials have  
9 been subject to the code for more than four (4) years; and

10 WHEREAS, applying the code for that extended period has allowed the Board to  
11 identify appropriate and required amendments; and

12 WHEREAS, the provisions to be amended have been identified in coordination  
13 with the Broward League of Cities and through discussions with the Broward Office of  
14 the Inspector General; and

15 WHEREAS, the Board finds that amending the code to address legally  
16 problematic provisions, including provisions that may potentially chill legitimate actions  
17 and speech, and provisions creating other unintended adverse consequences, greatly  
18 strengthens the code by enhancing its clarity, transparency, and enforceability,

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
20 BROWARD COUNTY, FLORIDA:

21 Section 1. Section 1-19 of the Broward County Code of Ordinances is hereby  
22 amended to read as follows:

23  
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1           **Sec. 1-19. Code of ethics for elected officials.**

2           (a)     Statement of Policy. It is the policy of Broward County that the Board of  
3 County Commissioners work for the benefit of the citizens of the County and elected  
4 officials of municipalities work for the benefit of the citizens of their respective  
5 municipalities. County Commissioners and elected municipal officials shall not receive  
6 any personal economic or financial benefit resulting from their service on their local  
7 governing bodies beyond legally authorized direct compensation. It is the responsibility  
8 of each County Commissioner and elected municipal official to act in a manner that  
9 promotes public trust and confidence in government with complete transparency and  
10 honesty in their services, and to avoid even the appearance or perception of  
11 impropriety.

12           (b)     Definitions. For purposes of this ~~code of ethics (the "Broward County~~  
13 ~~Elected Official Code of Ethics")~~:

- 14           1.     "*Contractor*" means any person or entity ~~having a~~ currently under contract  
15 with the applicable local governmental entity.
- 16           2.     "*Covered Individual*" means (i) any member of the Board of County  
17 Commissioners; (ii) any member of a governing body of any municipality  
18 within Broward County; and (iii) any municipal mayor; For purposes of  
19 the prohibition on lobbying under section (c)(2) below, "Covered  
20 Individual" also includes (iv) any member of a final decision-making body  
21 under the jurisdiction of the Board of County Commissioners or under the  
22 jurisdiction of the governing body of any municipality within Broward  
23 County; (v) any individual directly appointed to a County or municipal  
24 employment position by the Board of County Commissioners, by a

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 governing body of any municipality within Broward County, or by a  
2 municipal mayor; ~~(viii)~~ any individual serving on a contractual basis as a  
3 municipality's chief legal counsel or chief administrative officer, when such  
4 individual is acting in his or her official capacity; ~~(ivii)~~ any member of a  
5 selection, evaluation, or procurement committee that ranks or makes  
6 recommendations to any final decision-making authority regarding a  
7 County or municipal procurement; ~~(viii)~~ any employee, any official, or any  
8 member of a committee of Broward County or of any municipality within  
9 Broward County that has authority to make a final decision regarding a  
10 public procurement; ~~and (vix)~~ the head of any department, division, or  
11 office of Broward County or of any municipal government who makes final  
12 recommendations to a final decision-making authority regarding items that  
13 will be decided by the final decision-making authority; and (vii) For  
14 ~~purposes of the prohibition on lobbying under section (c)(2) below,~~  
15 ~~"Covered Individual" also includes~~ members of other local governmental  
16 entities within Broward County, including taxing authorities, quasi-judicial  
17 boards, appointed boards, and commissions.

18 3. "*Elected Official*" means any member of the Board of County  
19 Commissioners and any Municipal Official as defined below.

20 4. "*Filed for Public Inspection*" means either (a) that the form is completed  
21 legibly and is filed with the applicable governmental entity's chief  
22 administrative official or clerk, with a copy of the form or all information  
23 contained thereon subsequently inputted into the applicable governmental  
24 entity's database, which database shall be searchable by internet; or (b)

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1           all required information, including an input date and electronic signature, is  
2           directly inputted into the database, which database is searchable by  
3           internet. For any municipality that does not maintain a website sufficient  
4           to meet the requirements of this paragraph, the form or information may  
5           be inputted into a database maintained by the Broward League of Cities,  
6           provided that database is searchable by internet.

7           5.    "*Final Decision-Making Authority*" means (i) the Board of County  
8           Commissioners; (ii) the governing body of any municipality within Broward  
9           County; (iii) municipal mayors; (iv) final decision-making bodies under the  
10          jurisdiction of the Board of County Commissioners or under the jurisdiction  
11          of the governing body of any municipality within Broward County; and (v)  
12          any employee, official, or committee of Broward County or of any  
13          municipality within Broward County that has authority to make a final  
14          decision to select a vendor or provider in connection with a public  
15          procurement. For purposes of the prohibition of lobbying under section  
16          (c)(2) below, "Final Decision-Making Authority" also includes other local  
17          governmental entities within Broward County, including taxing authorities,  
18          quasi-judicial boards, appointed boards, and commissions.

19          6.    "*Immediate Family Member*" means a parent, spouse, child, sibling, or  
20          registered domestic partner.

21          7.    "Lobby," "Lobbying," or "*Lobbying Activities*" means a communication, by  
22          any means, from a lobbyist to a covered individual regarding any item that  
23          will foreseeably be decided by a final decision-making authority, which  
24          communication seeks to influence, convince, or persuade the covered

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                      underscored type are additions.

1 individual to support or oppose the item. "Lobbying" does not include  
2 communications:

- 3 a. Made on the record at a duly-noticed public meeting or hearing; or
- 4 b. From an attorney to an attorney representing Broward County or  
5 any municipality within Broward County regarding a pending or  
6 imminent judicial or adversarial administrative proceeding against  
7 Broward County or against any municipality within Broward County.

8 8. "*Lobbyist*" means a person who is retained, with or without compensation,  
9 for the purpose of lobbying, or a person who is employed by another  
10 person or entity, on a full-time or part-time basis, principally to lobby on  
11 behalf of that other person or entity. "Lobbyist" does not include a person  
12 who is:

- 13 a. An Elected Official, employee, or appointee of Broward County or  
14 of any municipality within Broward County communicating in his or  
15 her official capacity;
- 16 b. An individual who communicates on his or her own behalf, or on  
17 behalf of a person or entity employing the individual on a full-time or  
18 part-time basis, unless the individual is principally employed by that  
19 person or entity to lobby;
- 20 c. Any employee, officer, or board member of a homeowners'  
21 association, condominium association, or neighborhood association  
22 when addressing, in his or her capacity as an employee, officer, or  
23 board member of such association, an issue impacting the  
24 association or its members; or

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 d. Any employee, an officer, or a board member of a nonprofit public  
2 interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing  
3 an issue impacting a constituent of that entity.

4 9. "*Municipal Official*" means any individual serving as a member of the  
5 governing body of a municipality within Broward County or serving as a  
6 municipal mayor within Broward County.

7 10. "*Outside or Concurrent Employment*" means providing services for any  
8 person or entity, other than the Elected Official's governmental employer,  
9 in exchange for remuneration. For purposes of disclosing outside or  
10 concurrent employment and remuneration therefrom, the Elected Official's  
11 employer is the person or entity that pays the salary, wages, or other  
12 compensation, not the individual clients or customers of that person or  
13 entity.

14 11. "*Relative*" shall have the meaning stated in Section 112.3135, Florida  
15 Statutes.

16 12. "*Remuneration*" means the monetary payment received in return for  
17 services provided in connection with outside or concurrent employment,  
18 including salary, wages, commissions, tips, and bonuses (collectively,  
19 "wages"). "Remuneration" also includes (a) profit and other distributions  
20 received from a person or entity that has paid wages during the applicable  
21 disclosure period; and (b) direct employer contributions into retirement  
22 plans (including pensions, 401K, and deferred compensation plans).  
23 Notwithstanding anything to the contrary stated above, remuneration does  
24 not include gifts, business expense reimbursements, paid training

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 (including travel incident thereto), direct employer contributions toward  
2 insurance and other employee benefits (other than retirement plan  
3 contributions), and return of capital or payment of interest related to a  
4 return of one's capital contribution.

5 40. 13. "Vendor" means ~~an actual or potential supplier of~~ person or entity that is  
6 currently supplying any goods or services to the applicable local  
7 governmental entity, that has supplied any goods or services to the  
8 applicable local governmental entity within the current or prior two (2)  
9 calendar years, or that has, by submitting a response to a currently-open  
10 competitive solicitation, expressed an interest in supplying any goods or  
11 services to the applicable governmental entity. Commencing January 1,  
12 2017, "Vendor" shall also include a person or entity that submitted a  
13 response to a competitive solicitation during the current or prior two (2)  
14 calendar years.

15 All operative words or terms used in this Elected Official Code of Ethics but not  
16 defined herein shall be as defined, in order of priority in the event of inconsistency, by  
17 Part III of ~~Florida Statutes~~ Chapter 112, Florida Statutes, the Broward County Code of  
18 Ordinances, and the Broward County Administrative Code. ~~The term "relative" shall be~~  
19 ~~as defined in Florida Statutes section 112.3135.~~

20 (c) Standards of Conduct. In addition to the provisions of ~~Florida Statutes~~  
21 Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and  
22 Employees; ~~Florida Statutes~~ Chapters 838 and 839, Florida Statutes; Title 18,  
23 Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County  
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.



1 Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply  
2 to each Elected Official.

3 (1) Acceptance of Gifts.

4 a. No Elected Officials, ~~their spouses~~ or relative, registered domestic  
5 partners, ~~their other relatives, and their County or municipal~~ or  
6 governmental office staff of any Elected Official, shall ~~not~~ accept any gifts,  
7 directly or indirectly, ~~regardless of value~~ with a value in excess of \$5.00,  
8 from lobbyists registered with the governmental entity on whose behalf  
9 they (or their ~~spouse~~, registered domestic partner, or relative) serve, or  
10 from any principal or employer of any such registered lobbyist, or from  
11 vendors or contractors of such governmental entity. In order to effectuate  
12 this provision, no lobbyist shall engage in any lobbying activity prior to  
13 registering as a lobbyist with the applicable governmental entity. For  
14 purposes of this paragraph, neither Broward County, any municipality  
15 within Broward County, or any other governmental entity shall be  
16 considered a registered lobbyist, a principal or employer of a registered  
17 lobbyist, or a vendor or contractor of any governmental entity within  
18 Broward County.

19 b. Elected Officials may accept gifts from other sources given to them in their  
20 official capacity, where not otherwise inconsistent with the provisions of  
21 ~~Florida Statutes~~ Chapter 112, Part III, Florida Statutes, up to a maximum  
22 value of \$50.00 per occurrence. Gifts given to an Elected Official in his or  
23 her official capacity up to \$50.00 in value are deemed to be *de minimis*. A  
24 governmental entity giving a gift to its own Elected Official shall not be

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1           considered a gift from an "other source" for purposes of the \$50.00  
2           limitation.

3           c.     The \$50.00 limitation does not apply to gifts given to Elected Officials in  
4           their personal (~~non-official~~ nonofficial) capacity. Such gifts are still subject  
5           to the reporting requirements of ~~Florida Statutes~~ Section 112.3148,  
6           Florida Statutes.

7           d.     When not otherwise permitted by this part (c)(1), "Acceptance of Gifts,"  
8           the following items may be accepted to the full extent permissible under  
9           state law:

10          1.     Items customarily given to express condolences or sympathy, such  
11          as flowers, food items, or cards, given to an Elected Official in  
12          connection with the death or significant injury or illness of the  
13          Elected Official or an immediate family member of the Elected  
14          Official;

15          2.     Training, including the payment or reimbursement of expenses  
16          incurred in connection therewith, provided the training relates to the  
17          Elected Official's public service. The receipt of such training is  
18          deemed to directly benefit the public on whose behalf the Elected  
19          Official serves;

20          3.     Nonalcoholic beverages; and

21          4.     Admission tickets to charitable events available to the public,  
22          provided that any Elected Official or governmental office staff of the  
23          Elected Official who receives such tickets shall:

24

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                  underscored type are additions.

- 1           a.    Within fifteen (15) days after receiving such tickets, files for  
2                    public inspection a disclosure form stating the name of the  
3                    donor, the value of the tickets received, and the date and  
4                    location of the event; and  
5           b.    Within thirty (30) days after the event, reimburses the donor  
6                    for the value of the food and beverages consumed by the  
7                    person(s) using the tickets.

8       (2)    Outside/Concurrent employment.

- 9           a.    ~~Elected Officials shall not be employed as a lobbyist or engage in~~  
10                   ~~lobbying activities before any member of the governing body of the~~  
11                   ~~County or any municipality within Broward County, before any~~  
12                   ~~municipal mayor, or before any member of any other local~~  
13                   ~~governmental entities within Broward County, including taxing~~  
14                   ~~authorities, quasi-judicial boards, appointed boards, and~~  
15                   ~~commissions~~ lobby any covered individual.   This form of  
16                   ~~employment and activity~~ Such lobbying is deemed to be in  
17                   substantial conflict with the proper discharge of an Elected Official's  
18                   duties in the public interest.  
19           b.    Elected Officials may engage in other employment consistent with  
20                   their public duties and where not otherwise inconsistent with the  
21                   provisions of ~~Florida Statutes~~ Chapter 112, Part III, Florida  
22                   Statutes. All outside or concurrent employment by an Elected  
23                   Official, including employment pursuant to contract, as well as any  
24                   remuneration received from that employment, must be disclosed on

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                  underscored type are additions.

1 a form created by the ~~Broward County Attorney's Office~~ of the  
2 County Attorney, which form shall provide the option of disclosing  
3 an exact remuneration amount or one (1) of the following amount  
4 ranges: Under \$1,000; \$1,001 - \$5,000; \$5,001 - \$10,000; \$10,001  
5 - \$25,000; \$25,001 - \$50,000; \$50,000 - \$100,000; Over \$100,000.  
6 Remuneration in the form of direct employer contributions into  
7 retirement plans may be disclosed in the reported exact  
8 remuneration amount or by checking the box on the applicable form  
9 indicating that such remuneration has been received. The  
10 disclosure of remuneration from outside or concurrent employment,  
11 if any, ~~referenced in the preceding sentence~~ shall be done quarterly  
12 by County Commissioners and annually by Municipal Officials. The  
13 required disclosure form must be filed for public inspection within  
14 thirty (30) days after the end of each calendar quarter for County  
15 Commissioners, and, for Municipal Officials, must be filed by July 1  
16 of the year after the calendar year in which the outside or  
17 concurrent employment occurred. ~~To the extent complying with the~~  
18 ~~disclosure requirement contained in this paragraph would violate~~  
19 ~~any written agreement to which a Municipal Official is a party, the~~  
20 ~~Municipal Official shall file, for public inspection, a statement, under~~  
21 ~~oath, from the Municipal Official's employer or other person or entity~~  
22 ~~paying such outside remuneration, specifying how such violation~~  
23 ~~would result from the required disclosure.~~ Upon filing such  
24 ~~statement, the Municipal Official shall not be required to comply~~

Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 with that portion of the disclosure requirement that would result in a  
2 violation of the written agreement for the balance of the Municipal  
3 Official's current term of office as of the effective date of this  
4 Ordinance (such disclosure requirement shall apply in full upon  
5 commencement of a new term of office after the effective date  
6 hereof, even if such new term results from the re-election of a  
7 currently-serving Municipal Official).

- 8 c. A spouse or registered domestic partner, No immediate family  
9 members, ~~and~~ or County or municipal office staff of an Elected  
10 Official shall ~~not~~ lobby any member of the governing body of the  
11 County or any municipality within Broward County, or before any  
12 municipal mayor, or before members of other local governmental  
13 entities within Broward County, including taxing authorities, quasi-  
14 judicial boards, appointed boards and commissions, covered  
15 individual or, ~~otherwise~~ except as permitted in the sentence  
16 immediately below, conduct business as a vendor or contractor with  
17 the local governmental entity served by the Elected Official. An  
18 immediate family member of an Elected Official may conduct  
19 business as a vendor or contractor with the local governmental  
20 entity served by the Elected Official where such activity is  
21 permissible under state law, provided that the Elected Official  
22 attests in writing, on a form filed for public inspection within fifteen  
23 (15) days after such attestation, that such immediate family  
24 member and the Elected Official do not share a primary residence,

Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 the immediate family member is not listed as a dependent on the  
2 Elected Official's most recently filed federal tax return, and that the  
3 Elected Official is not listed as a dependent on the immediate family  
4 member's most recently filed federal tax return. Any conduct of  
5 business as a vendor or contractor in violation of this paragraph  
6 shall be deemed to provide a prohibited financial benefit to the  
7 Elected Official.

8 d. ~~The prohibitions on Municipal Officials, their spouses or registered~~  
9 ~~domestic partners, and their immediate family members stated in~~  
10 ~~paragraphs a. and c. above shall not apply for the balance of the~~  
11 ~~Municipal Official's current term of office as of the effective date of~~  
12 ~~this Ordinance. The prohibitions shall apply for any new term of~~  
13 ~~office that begins after the effective date hereof, even if such new~~  
14 ~~term results from a re-election of a currently serving Municipal~~  
15 ~~Official.~~

16 (3) Lobbyists.

17 a. Elected Officials should avoid even the appearance of impropriety  
18 in their interaction and dealings with lobbyists registered under their  
19 local governmental entity's lobbyist registration system and with the  
20 principals or employers of such lobbyists.

21 b. The changes to this section (c)(3) shall take effect April 1, 2016. To  
22 promote full and complete transparency, lobbyists and their  
23 principals or employers who intend to meet or otherwise  
24 communicate with lobby an Elected Official for the purpose of

1 engaging in lobbying activities, either at the Elected Official's offices  
2 or elsewhere on the local government's premises, must,  
3 contemporaneously with the lobbying activity or as soon thereafter  
4 as is practicable (but in any event within three (3) business days  
5 after the lobbying activity occurs), legibly complete a contact log  
6 listing each Elected Official with whom the lobbyist, principal, or  
7 employer meets or intends on meeting or communicating. which  
8 contains the following information:

- 9 1. The information stated on the contact log shall include the  
10 lobbyist's name;
- 11 2. †The name of the entity by which the lobbyist is employed;
- 12 3. †The name of the person or entity for whom or which he or  
13 she the lobbyist is lobbying;
- 14 4. †The name of each Elected Official with whom he or she is  
15 meeting or communicating lobbied by the lobbyist;
- 16 5. The name of each person attending or participating in any  
17 portion of the meeting or communication during which the  
18 lobbying activity occurred;
- 19 6. †The date and time of each such the meeting or other  
20 communication during which the lobbying activity occurred;
- 21 7. The location of the meeting and mode of communication, as  
22 applicable (e.g., in person, by telephone, by email  
23 exchange); and

24  
Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- ~~8.~~ and ~~the specific purpose and subject matter of each~~  
discussed in such meeting or communication.
- ~~2.~~ ~~The contact log shall be completed contemporaneously with~~  
~~the meeting(s) and shall be filed for public inspection.~~
- c. ~~To further promote full and complete transparency, Elected Officials~~  
~~must disclose any and all lobbying activity that knowingly occurs~~  
~~between themselves and individual lobbyists or their principals or~~  
~~employers outside of their governmental offices/premises. This~~  
~~shall include communicating by any form of telephonic or electronic~~  
~~media.~~
  - ~~1.~~ ~~The disclosure shall include the lobbyist's name; the name of~~  
~~the entity by which the lobbyist is employed; the name of the~~  
~~person or entity for whom or which he or she is lobbying; the~~  
~~date, time, and location of the meeting; and the specific~~  
~~purpose and subject matter of the meeting.~~
  - ~~2.~~ ~~The disclosure shall be made within ten (10) business days~~  
~~of the lobbying activity, but must, in any event, be made prior~~  
~~to any vote on a matter that was the subject of the lobbying~~  
~~activity. The obligation to complete the contact log~~  
~~referenced in paragraph (b) above applies regardless of the~~  
~~location of the lobbying activity and applies whether the~~  
~~activity occurs in person, by telephone, by electronic~~  
~~communication, by video conference, or in writing.~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.



1           3. ~~d.~~     The disclosure contact log referenced in paragraph (b) above shall  
2                     be filed for public inspection.

3           e.     By April 1, 2016, the County and each municipality covered by this  
4                     code shall create and maintain an online contact log system  
5                     accessible by registered lobbyists. In lieu of creating and  
6                     maintaining its own online contact log system, any municipality may  
7                     utilize any such system maintained by the Broward League of  
8                     Cities, provided such municipality provides a link to such system on  
9                     the municipality's website. For any municipality that fails to create  
10                    an online contact log system by April 1, 2016, or fails to maintain  
11                    the system thereafter, and further fails to use, by April 1, 2016, any  
12                    such system maintained by the Broward League of Cities, any  
13                    lobbyist disclosure required by this section (c)(3) shall be required  
14                    to be filed by the lobbied Elected Official.

15       (4)   Honest Services.

16           a.     An Elected Official may not engage in a scheme or artifice to  
17                     deprive another of the material intangible right of honest services or  
18                     any activity in contravention of his or her duty to provide loyal  
19                     service and honest governance for the residents of the  
20                     governmental entity that he or she serves.

21           b.     This section shall be construed, to the extent possible, in  
22                     accordance with the standards and intent set forth under 18 U.S.C.  
23                     s. 1346, as may be amended, and ~~Florida Statutes~~ Chapter 838,  
24                     Florida Statutes.

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                      underscored type are additions.

1 (5) Solicitation and Receipt of Contributions.

2 a. Charitable Contribution Fundraising.

3 1. The solicitation of funds by an Elected Official for a ~~non-profit~~  
4 nonprofit charitable organization, as defined under the  
5 Internal Revenue Code, is permissible so long as there is no  
6 quid pro quo or other special consideration, including any  
7 direct or indirect benefit between the parties to the  
8 solicitation.

9 2. To promote the full and complete transparency of any such  
10 solicitation, an Elected Official shall disclose, on a form  
11 created by the ~~Broward County Attorney's Office~~ of the  
12 County Attorney, the name of the charitable organization, the  
13 event for which the funds were solicited, and the name of  
14 any individual or entity that ~~may have promoted the~~  
15 requested that the Elected Official engage in the charitable  
16 fundraising solicitation. The form shall be filed for public  
17 inspection within fifteen (15) days after the solicitation of  
18 funds by the Elected Official.

19 3. An Elected Official may not use staff or other resources of  
20 his or her governmental entity in the solicitation of charitable  
21 contributions.

22 4. The requirements and prohibitions of this subpart shall not  
23 apply to actions of an Elected Official in connection with  
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 charities or fundraising events ~~sponsored~~ formally approved  
2 by the official's governmental entity.

3 5. Salary received by a Municipal Official from a ~~non-profit~~  
4 nonprofit charitable organization employing the Municipal  
5 Official shall not be considered a quid pro quo or other  
6 special consideration for purposes of paragraph 1 above.  
7 Additionally, the disclosure requirement contained in  
8 paragraph 2 above shall not apply to Municipal Officials who  
9 are employed by a ~~non-profit~~ nonprofit charitable  
10 organization when soliciting charitable contributions on  
11 behalf of that organization.

12 b. Campaign Contribution Fundraising.

13 1. It is the intent of this Code to promote the full and complete  
14 transparency of campaign contributions received by Elected  
15 Officials, consistent with the disclosure requirements  
16 provided by state statute.

17 2. Any campaign finance disclosure that an Elected Official  
18 must submit to the Supervisor of Elections, or to the  
19 appropriate municipal election official, in accordance with the  
20 provisions of ~~Florida Statutes~~ Chapter 106, Florida Statutes,  
21 shall, contemporaneously, be filed for public inspection.  
22 Where such disclosure forms are inputted into a separately  
23 maintained searchable-by-internet public database, the "filed  
24 for public inspection" requirement shall be deemed met by

1 providing a link to that separate database on the  
2 governmental website on which the other disclosure forms  
3 filed by Elected Officials of that governmental entity may be  
4 accessed.

5 3. Elected Officials who solicit campaign contributions for other  
6 candidates for public office shall disclose, on a form created  
7 by the ~~Broward County Attorney's Office~~ of the County  
8 Attorney, the name of the candidate for whom they are  
9 soliciting, the location and date of any associated event, and  
10 both the name and contribution amounts of any individual  
11 who provided contributions, directly or indirectly, to the  
12 Elected Officials for subsequent delivery to the candidate.  
13 The form shall be filed for public inspection within fifteen (15)  
14 days after the solicitation of funds by the Elected Officials.

15 4. An Elected Official may not use any staff or other resources  
16 of his or her governmental entity in the solicitation or receipt  
17 of campaign contributions.

18 5. Campaign or political contributions may not be made,  
19 solicited, or accepted in any government-owned building.

20 c. The Board of County Commissioners shall be prohibited from  
21 waiving the provisions of Section 18.63 of the Broward County  
22 Administrative Code as it pertains to the County's acceptance of  
23 donations.  
24

1 (6) Procurement Selection Committees.

2 a. It shall be a conflict of interest for any Elected Official to serve as a  
3 voting member of a Selection/Evaluation Committee in connection  
4 with any prospective procurement by the Elected Official's  
5 governmental entity. Elected Officials shall not be included as  
6 members on any Selection/Evaluation Committee and shall not  
7 participate or interfere in any manner at Committee meetings or in  
8 the selection of Committee members, which members shall be  
9 appointed by the County Administrator or appropriate municipal  
10 staff, as relevant. Upon the completion of the selection process by  
11 the Committee, Elected Officials may inquire into any and all  
12 aspects of the selection process and express any concerns they  
13 may have to their Purchasing Director or, where applicable, other  
14 employee with responsibility to oversee the procurement process.

15 b. The prohibitions stated in the preceding paragraph shall not apply  
16 to strong mayors with a charter-prescribed strong mayor form of  
17 government or to Elected Officials who, under their charter, are  
18 required to participate in the procurement process in a manner that  
19 would be inconsistent with such prohibitions. The prohibitions  
20 stated in the preceding paragraph shall also not apply to the hiring  
21 (or contractual procurement, in lieu of hiring) of individuals who  
22 report directly to a local governing body. Additionally, the  
23 prohibitions stated in the preceding paragraph shall not be  
24 interpreted as prohibiting any Elected Official from attending any

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1                    Selection/Evaluation Committee meeting provided the Elected  
2                    Official does not actively participate or otherwise interfere in the  
3                    meeting.

4            (7)    Financial Disclosure.

5            a.    Each County Commissioner, contemporaneously with the annual  
6                    filing of the Form 6 Disclosure of Financial Interest with the State of  
7                    Florida Commission on Ethics, shall file such form for public  
8                    inspection. Each Municipal Official, contemporaneously with the  
9                    annual filing of the Form 1 Statement of Financial Interests with the  
10                   ~~State of Florida Commission on Ethics~~ Broward County Supervisor  
11                   of Elections, shall file such form for public inspection. Where such  
12                   disclosure forms are inputted into a separately maintained  
13                   searchable-by-internet public database, the "filed for public  
14                   inspection" requirement shall be deemed met by providing a link to  
15                   that separate database on the governmental website on which the  
16                   other disclosure forms filed by Elected Officials of that  
17                   governmental entity may be accessed.

18           (8)    Advisory Opinions.

19           a.    Any Elected Official may request an advisory opinion about how the  
20                    Broward County Elected Official Code of Ethics applies to his or her  
21                    own situation. Requests for opinions from County Commissioners  
22                    shall be made to the Broward County Attorney or to the County  
23                    Attorney's designee. Requests for opinions from Municipal Officials  
24                    shall be made to the municipality's chief attorney or to that

Coding:            Words in ~~struck-through~~ type are deletions from existing text. Words in  
                         underscoring type are additions.

1 attorney's designee. ~~Requests for opinions shall be considered~~  
2 ~~only if in writing and signed by the Elected Official or by his or her~~  
3 ~~office staff.~~ Requests for opinions shall state all material facts  
4 necessary for the advising attorney to understand the  
5 circumstances and render a complete and correct opinion, and  
6 such facts shall be recited in the issued opinion. If at any time after  
7 receipt of a request, the advising attorney believes that additional  
8 information is needed, the Elected Official requesting the opinion  
9 shall ~~be notified and shall~~ furnish such additional information  
10 promptly upon request from the advising attorney.

11 b. Until amended or revoked, an advisory opinion rendered pursuant  
12 to this section shall be binding on the conduct of the Elected Official  
13 covered by the opinion unless material facts were omitted or  
14 misstated in the request for the advisory opinion. If the Elected  
15 Official acts in accordance with a binding advisory opinion, the  
16 Elected Official's action may not be found to be in violation of the  
17 Broward County Elected Official Code of Ethics. However, any  
18 opinion rendered under this section shall not be binding as to  
19 whether the Elected Official's action complies with state or federal  
20 ethics requirements.

21 c. The Elected Official shall ensure that, within fifteen (15) days after  
22 he or she receives an advisory opinion, the opinion is sent in  
23 searchable "pdf" format to [ethicsadvisoryopinions@broward.org](mailto:ethicsadvisoryopinions@broward.org) for  
24

1 inclusion in the searchable database of advisory opinions to be  
2 maintained by the County.

3 (d) Training and Education.

4 (1) Newly Elected Officials Training Requirement. In addition to meeting the  
5 annual training requirement referenced in paragraph (d)(2) below, Newly  
6 Elected Officials shall, within one hundred twenty (120) days after taking  
7 office, receive a minimum of four (4) hours of training from their  
8 governmental entity's attorney (or as directed by that attorney) on the  
9 topics of the Sunshine Law, public records, and public service ethics, and  
10 shall certify ~~or acknowledge his or her~~ their participation in this training in a  
11 form filed ~~with the entity's chief administrative official or clerk.~~ Such  
12 ~~training shall be completed within one hundred twenty (120) days after~~  
13 ~~taking office. The four (4) hours of training shall count towards the eight~~  
14 ~~(8) hour training referenced in the paragraph immediately below~~ for public  
15 inspection within fifteen (15) days after the completion of such training. At  
16 least two (2) hours of this training shall be received in an interactive  
17 setting (group or individual). Additional training for ~~a~~ Newly Elected  
18 Officials offered by the Florida Association of Counties or the Florida  
19 League of Cities is strongly encouraged. For purposes of this paragraph,  
20 Newly Elected Officials are those Elected Officials who did not occupy an  
21 office that was subject to this code at any time within the one-year period  
22 prior to their current election to office.

23 (2) Annual Training Requirement. Each Elected Official shall, on an annual  
24 basis, attend or participate in a minimum of ~~eight (8)~~ four (4) hours of

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.



1 continuing education training on the topics of Sunshine Law, public  
2 records, and public service ethics. These programs may be available  
3 through regional universities, municipal or local government organizations,  
4 or ~~the~~ through state or regional Bar associations. The four (4) hour annual  
5 training requirement shall be met on a term-year basis, and at least two  
6 (2) hours of annual training during each term year shall be received in an  
7 interactive setting (group or individual). Each Elected Official shall  
8 annually certify ~~or acknowledge~~ that he or she has met this requirement in  
9 a form filed ~~with the entity's chief administrative official or clerk~~ for public  
10 inspection within thirty (30) days after the end of each term year.

11 (3) The revisions made to paragraph (2) above shall become effective (a) for  
12 County Commissioners, on the first day of their term years commencing in  
13 November 2015; and (b) for Municipal Officials, on the first day of their  
14 applicable term years which commence in or after November 2015.

15 (4) The certifications referenced in this section (d) shall provide the date of  
16 each training session, the number of hours completed during each  
17 session, and the mode of each session (i.e., live individual training, live  
18 group training, online training, or watching/listening to recorded materials).

19 Section 2. RESTRICTIONS ON AMENDMENT.

20 Except as to any amendments required as a result of changes in governing law:

21 (a) The Board of County Commissioners may at any time strengthen or  
22 supplement the restrictions and protections provided under this ~~C~~code, but the  
23 restrictions and protections hereof may be weakened or removed, in whole or in part,  
24 only by citizen initiative as referenced in Section 7.01 of the Broward County Charter.

1 (b) If any Court determines that the above-provided requirement of a citizen  
2 initiative is inconsistent with applicable law, then, to the full extent permitted under  
3 applicable law, the restrictions and protections of this Code may be weakened or  
4 removed, in whole or in part, only by an affirmative vote of a majority plus one (1)  
5 member of the full Board of County Commissioners.

6 Section 3. SEVERABILITY.

7 If any portion of this Ordinance is determined by any Court to be invalid, the  
8 invalid portion shall be stricken, and such striking shall not affect the validity of the  
9 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion  
10 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),  
11 or circumstance(s), such determination shall not affect the applicability hereof to any  
12 other individual, group, entity, property, or circumstance.

13 Section 4. INCLUSION IN CODE.

14 It is the intention of the Board of County Commissioners that the provisions of  
15 this Ordinance shall become and be made a part of the Broward County Code; and that  
16 the sections of this Ordinance may be renumbered or relettered and the word  
17 "ordinance" may be changed to "section," "article," or such other appropriate word or  
18 phrase in order to accomplish such intentions.

19 Section 5. EFFECTIVE DATE.

20 This Ordinance shall become effective as provided by law.  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

ENACTED December 8, 2015  
FILED WITH THE DEPARTMENT OF STATE December 10, 2015  
EFFECTIVE December 10, 2015

Approved as to form and legal sufficiency:  
Joni Armstrong Coffey, County Attorney

By /s/ Andrew J. Meyers 12/10/15  
Andrew J. Meyers (date)  
Chief Deputy County Attorney

AJM/mm  
12/10/15  
Elected Official Code of Ethics  
15-432

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.