

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LOBBYING; AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, in 2018 Florida voters approved an amendment to the Florida Constitution ("Amendment 12") that prohibits local officials, including county commissioners, from lobbying local, state, or federal legislative bodies and administrative agencies on issues of policy, appropriation, or procurement while in office;

WHEREAS, on December 6, 2022 (Agenda Item No. 59), the Board of County Commissioners ("Board") enacted certain amendments to the lobbying provisions of the Broward County Code of Ordinances, including to address recent state legislation implementing Amendment 12;

WHEREAS, on February 28, 2023, the United States District Court for the Southern District of Florida granted a preliminary injunction suspending enforcement of a portion of Amendment 12 pending resolution of the case, *Rene Garcia v. Kerrie J. Stillman*, No. 22-cv-24156 (S.D. Fla.); and

WHEREAS, the Office of the County Attorney has recommended further amendments pending resolution of the referenced litigation,

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

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

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

...

(c) *Standards of Conduct.* In addition to the provisions of Chapter 112, Part III,
Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and
839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26,
Article V of the Broward County Code of Ordinances, Section 26-67, et seq., the following
Standards of Conduct shall apply to each Elected Official.

...

(2) *Outside/Concurrent Employment.*

- a. Effective January 1, 2024, unless earlier amended or repealed,
Notwithstanding anything to the contrary in this Section 1-19, the
lobbying prohibitions applicable to Elected Officials shall be the same
as under Article II, Section 8 of the Florida Constitution and
Sections 112.3121 and 112.3122, Florida Statutes, inclusive of all
applicable definitions set forth therein, as amended. Prior to January
1, 2024, an Elected Official who engages in lobbying activities or acts
as a lobbyist, as each of these terms are defined herein, where the
lobbying communication is with a Covered Individual whose
governmental entity is located in Broward County, must disclose

45 such lobbying activities within fifteen (15) days after the lobbying
46 activity. The disclosure must be filed for public inspection on a form
47 approved by the Office of the County Attorney and must provide all
48 information set forth in Section 1-19(c)(3)b. of the Broward County
49 Code of Ordinances.

50 . . .

51 Section 2. Severability.

52 If any portion of this Ordinance is determined by any court to be invalid, the invalid
53 portion will be stricken, and such striking will not affect the validity of the remainder of this
54 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
55 legally applied to any individual, group, entity, property, or circumstance, such
56 determination will not affect the applicability of this Ordinance to any other individual,
57 group, entity, property, or circumstance.

58 Section 3. Inclusion in the Broward County Code of Ordinances.

59 It is the intention of the Board of County Commissioners that the provisions of this
60 Ordinance become part of the Broward County Code of Ordinances as of the effective
61 date. The sections of this Ordinance may be renumbered or relettered and the word
62 "ordinance" may be changed to "section," "article," or such other appropriate word or
63 phrase to the extent necessary in order to accomplish such intention.

64 Section 4. Effective Date.

65 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Kristin M. Carter 03/01/2023
Kristin M. Carter (date)
Assistant County Attorney

By: /s/ René D. Harrod 03/01/2023
René D. Harrod (date)
Chief Deputy County Attorney

KMC/jl
Elected Officials Lobbying Amendment
03/01/2023
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.