



# Broward County

## Legislation Details (With Text)

**File #:** 23-423      **Version:** 1

**Status:** Agenda Ready

**In control:** County Attorney

**On agenda:** 3/14/2023      **Final action:** 3/14/2023

**Title:** MOTION TO ENACT Ordinance, the title of which is as follows:

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)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Ordinance

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

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)

#### Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney following a recent court ruling.

#### What Action Accomplishes

Allows for the Board's consideration of the proposed Ordinance.

#### Is this Action Goal Related

No

#### Previous Action Taken

### **Summary Explanation/Background**

In 2018 Florida voters approved an amendment to the Florida Constitution ("Amendment 12") that, in relevant part, 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.

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

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.).

In light of the recently issued preliminary injunction, the Office of the County Attorney ("CAO") recommends, as an interim measure, a further Code amendment that would effectively suspend enforcement of certain current lobbying restrictions pending resolution of the federal litigation. The proposed amendment includes a requirement for elected officials to publicly disclose their lobbying activities involving governmental entities within Broward County.

The CAO has coordinated with the County Administrator to ensure that notice of this proposed Ordinance was published ten days prior to this public hearing so that the Board can consider immediate enactment of the proposed Ordinance.

### **Source of Additional Information**

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.