

Andrew J. Meyers
County Attorney



OFFICE OF THE COUNTY ATTORNEY
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Board of County Commissioners

FROM: Adam M. Katzman, Senior Assistant County Attorney /s/ Adam M. Katzman

DATE: December 12, 2022

RE: **Proposed Amendments to Code Provisions Addressing Whistleblower Complaints and Retaliation Complaints**

This memorandum summarizes the material aspects of the proposed amendments to the Broward County Code of Ordinances and the Broward County Administrative Code pertaining to investigations of whistleblower complaints and retaliation complaints.

The County's current provisions prohibit retaliatory conduct against a whistleblower and establish certain procedures for handling the reporting and investigation of whistleblower complaints and retaliation complaints. The proposed amendments update these procedures to make them consistent with developing case law and other County processes.

The proposed Ordinance includes the following material changes:

- Updates key definitions;
- Provides that whistleblower information may be disclosed to the Office of the County Auditor as an alternative to disclosure to the Professional Standards Section of the Human Resources Division ("Professional Standards");
- More clearly defines the employees and other persons who receive whistleblower protection; and
- More clearly delineates the procedures related to filing and investigating whistleblower complaints and retaliation complaints.

The proposed Resolution includes the following material changes:

- Updates the definitions in the Administrative Code to reflect the proposed amendments to the definitions in the Code of Ordinances;

- Provides more specific procedures for whistleblower complaints, including that a whistleblower complaint must be submitted in writing to Professional Standards or the Office of the County Auditor, and must include specific information such as the name of the employee or person submitting the complaint;
- Provides for the designation of an Assistant County Administrator to investigate the whistleblower complaint if Professional Standards cannot investigate the complaint (there is currently no alternate agency designated to investigate);
- Requires the County Administrator to render a final decision on retaliation complaints within 30 days after receiving the written findings from the panel (currently there is no deadline); and
- Identifies the specific relief the County Administrator may award if there is a finding of retaliation.

Please contact the County Attorney or me with any questions or concerns. I may be reached at 954-357-7608 or akatzman@broward.org.

AMK/jl

c: Monica Cepero, County Administrator
Bob Melton, County Auditor
Andrew J. Meyers, County Attorney