

**PROPOSED**

## ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO ETHICS; AMENDING THE GIFT  
3 RESTRICTIONS SET FORTH IN SECTION 1-19(C)(1) OF THE BROWARD COUNTY  
4 CODE OF ORDINANCES ("CODE"); SUPERSEDING CONFLICTING ORDINANCES;  
5 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN  
6 EFFECTIVE DATE.

7 (Sponsored by Mayor Mark D. Bogen and Cosponsored by  
8 Commissioner Alexandra P. Davis)  
9

10 WHEREAS, Chapter 112, Part III, Florida Statutes, provides a Code of Ethics for  
11 Public Officers and Employees ("Florida Code of Ethics"), which applies to members of  
12 the Broward County Board of County Commissioners (the "Commission") and mayors  
13 and members of governing bodies of municipalities within Broward County ("Municipal  
14 Officials"), and other public officers and employees;

15 WHEREAS, the Florida Code of Ethics imposes simple and clear restrictions on  
16 the acceptance of gifts based on the identity of the donor—prohibiting acceptance of gifts  
17 valued at over \$100.00 from contractors, lobbyists, and principals of lobbyists of their  
18 governmental entity ("Restricted Donors") and imposing reporting requirements for all  
19 gifts from other donors valued at over \$100.00;

20 WHEREAS, Section 1-19 of the Code, known as the Broward County Code of  
21 Ethics for Elected Officials ("Broward Ethics Code"), provides standards of ethical conduct

principally applicable to Broward County Commissioners, municipal mayors, and members of the governing bodies of municipalities in Broward County (collectively, “Elected Officials”);

WHEREAS, the Broward Ethics Code imposes more stringent and complex rules than the Florida Code of Ethics relating to acceptance of gifts;

WHEREAS, over the years, the initial complete prohibition on gifts from Restricted Donors proved impractical, and the Broward Ethics Code has since been amended multiple times to be more reasonable, save public funds, and facilitate participation by Elected Officials in matters of public concern;

WHEREAS, as they currently exist, the gift restrictions under the Broward Ethics Code are complicated, with numerous nuanced and overlapping exceptions that create undue risk of unintentional violation;

WHEREAS, as a result, Elected Officials invited to community events or given even nominal tokens of appreciation by constituents as part of their routine duties must frequently spend significant time analyzing the gift law implications, undertaking extensive fact-finding, and often being required to engage with legal counsel to conduct detailed analyses to ensure compliance with the Broward Ethics Code;

WHEREAS, the substantial amount of time and resources required to navigate the gift provisions of the Broward Ethics Code divert focus from matters of greater significance to County residents;

WHEREAS, the differences between the Broward Ethics Code and the Florida Code of Ethics create additional confusion and increase the risk of inconsistent enforcement of gift restrictions;

WHEREAS, clarity and conformity with the Florida Code of Ethics will limit the risk of unintentional violation and further encourage compliance and transparency, which are critical aspects of an ethics code; and

WHEREAS, the Commission desires to strengthen the Broward Code of Ethics by creating consistency between the applicable state and local restrictions, resulting in better compliance and transparency and enabling the more efficient utilization of public resources,

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

Section 1. Section 1-19(c)(1) of the Broward County Code of Ordinances is 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:

(1) *Acceptance of gifts.* Elected Officials shall comply with the gift law restrictions under the Florida Code of Ethics for Public Officers and Employees set forth in Chapter 112, Part III, Florida Statutes. Any Elected Official who violates any of the gift law restrictions of Chapter 112, Part III, Florida Statutes, as amended, shall be deemed to have violated the Broward County Elected Official Code of Ethics.

- a. ~~No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept, directly or indirectly, any gift of food and/or nonalcoholic beverages with a value in excess of \$25.00 or any other gift with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, nor any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County.~~
- b. ~~Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a maximum value of \$50.00 per occurrence. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*. A governmental entity giving a gift to its own Elected Official shall not be considered a gift from an "other source" for purposes of the \$50.00 limitation.~~

- c. ~~The \$50.00 limitation does not apply to gifts given to Elected Officials in their personal (nonofficial) capacity. Such gifts are still subject to the reporting requirements of Section 112.3148, Florida Statutes.~~
- d. ~~Notwithstanding the foregoing, to the extent not prohibited by Florida law and subject to the reporting requirements of Section 112.3148, Florida Statutes, nothing in this section shall prohibit Elected Officials from participating in any public service announcement.~~
- e. ~~When not otherwise permitted by this part (c)(1), "Acceptance of Gifts," the following items may be accepted to the full extent permissible under state law:~~
- ~~1. Items customarily given to express condolences or sympathy, such as flowers, food items, or cards, given to an Elected Official in connection with the death or significant injury or illness of the Elected Official or an immediate family member of the Elected Official;~~
  - ~~2. Training, including the payment or reimbursement of expenses incurred in connection therewith, provided the training relates to the Elected Official's public service. The receipt of such training is deemed to directly benefit the public on whose behalf the Elected Official serves;~~
  - ~~3. Admission tickets to charitable events available to the public, provided that any Elected Official or governmental office staff of the Elected Official who receives such tickets:~~

- 114 a. ~~Within fifteen (15) days after receiving such tickets,~~  
115 ~~files for public inspection a disclosure form stating the~~  
116 ~~name of the donor, the value of the tickets received,~~  
117 ~~and the date and location of the event; and~~
- 118 b. ~~Within thirty (30) days after the event, reimburses the~~  
119 ~~donor for the value of the food and beverages~~  
120 ~~consumed by the person(s) using the tickets; and~~
- 121 4. ~~Admission to an Official Event for an Elected Official,~~  
122 ~~or governmental office staff of an Elected Official, as~~  
123 ~~well as food, beverages, and commemorative items~~  
124 ~~received by the Elected Official or governmental office~~  
125 ~~staff of an Elected Official at the Official Event, valued~~  
126 ~~at up to \$100.00 in total, provided that such food,~~  
127 ~~beverages, and commemorative items are available to~~  
128 ~~all attendees of the Official Event.~~

129 ~~An Official Event is any event where:~~

- 130 a. ~~The Elected Official has made an objective, good faith~~  
131 ~~effort to determine that at least thirty (30) persons not~~  
132 ~~affiliated with the donor have been invited to attend,~~  
133 ~~including multiple Elected Officials; and the Elected~~  
134 ~~Official attends the event in their official capacity; or~~
- 135 b. ~~The Elected Official's governmental entity has officially~~  
136 ~~sponsored the event; or~~

137 e. ~~The Elected Official was invited to the event in their~~  
138 ~~official capacity and the governmental entity's legal~~  
139 ~~counsel or chief budget officer has determined in~~  
140 ~~writing that attendance at the event serves a public~~  
141 ~~purpose.~~

142 For purposes of this Section 1-19(c)(1)e.4., a person affiliated  
143 with a donor means:

- 144 a. ~~The donor's relative as defined in Section 112.3135,~~  
145 ~~Florida Statutes;~~  
146 b. ~~The donor's employee or employer; or~~  
147 c. ~~Any person or entity engaged in or carrying on a~~  
148 ~~business enterprise with the donor as a partner, joint~~  
149 ~~venturer, corporate shareholder where the shares of~~  
150 ~~such corporation are not listed on any national or~~  
151 ~~regional stock exchange, or co-owner of property.~~

152 Section 2. Conflicting Earlier Ordinances Superseded.

153 To the extent any provision of this Ordinance, including its manner of enactment  
154 by a simple majority vote of the Commission, conflicts with Ordinance No. 2010-22,  
155 Ordinance No. 2011-19, or Ordinance No. 2015-55, this Ordinance supersedes and  
156 amends said earlier ordinances solely to the extent of such conflict.

157 Section 3. Severability.

158 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
159 portion will be stricken, and such striking will not affect the validity of the remainder of this

Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 4. Inclusion in the Broward County Code of Ordinances.

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

Section 5. Effective Date.

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/ Kristen M. McLaren 11/24/2025  
Kristen M. McLaren (date)  
Senior Assistant County Attorney

By: /s/ Annika E. Ashton 11/24/2025  
Annika E. Ashton (date)  
Deputy County Attorney

KMM/jl  
Gift Ordinance Amendment  
11/24/2025  
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.