

**PROPOSED**

## ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO ETHICS; AMENDING SECTION 1-19 OF THE  
3 BROWARD COUNTY CODE OF ORDINANCES (“CODE”); AMENDING SECTION 26-73  
4 OF THE CODE; SUPERSEDING CONFLICTING ORDINANCES; AND PROVIDING  
5 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by Commissioner Mark D. Bogen)  
7

8 WHEREAS, Chapter 112, Part III, Florida Statutes, provides a Code of Ethics for  
9 Public Officers and Employees (“Florida Code of Ethics”), which applies to members of  
10 the Broward County Board of County Commissioners (the “Board”), County employees,  
11 and mayors and members of governing bodies of municipalities within Broward County  
12 (“Municipal Officials”);

13 WHEREAS, Section 112.326, Florida Statutes, empowers local governments to  
14 impose more stringent ethical standards than are provided under the Florida Code of  
15 Ethics;

16 WHEREAS, pursuant to the Broward County Charter, the Board enacted  
17 Section 1-19 of the Broward County Code of Ordinances, known as the Code of Ethics  
18 for Elected Officials (“County Code of Ethics”), which imposes more stringent ethical  
19 standards than the Florida Code of Ethics, including more stringent gift limitations;

20 WHEREAS, the Florida Code of Ethics, in most instances, permits public officials  
21 who are subject to its gift limitations to accept gifts worth \$100.00 or less from donors

22 who lobby or do business with their agencies, thus allowing most public officials to interact  
23 with the public in situations where items of nominal value may be exchanged, while still  
24 prohibiting sizable gifts that may invite actual or perceived impropriety;

25 WHEREAS, the stringent gift limitations in the County Code of Ethics  
26 unintentionally discourage personal interaction and communication between elected  
27 officials and the communities they serve, and under certain circumstances impose  
28 unnecessary costs on City and County governments to pay for elected officials' admission  
29 to or participation in relevant events that would otherwise not require public expenditure;  
30 and

31 WHEREAS, the Board finds that modifying the County Code of Ethics as provided  
32 below will improve understanding of, and compliance with, the law and promote  
33 communication and interaction between local governments and the communities they  
34 serve, thus strengthening the County Code of Ethics, and further finds that such  
35 modification is in the best interest of the County,

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

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

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

41 . . .

42 (c) *Standards of Conduct.* In addition to the provisions of Chapter 112, Part III,  
43 Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and  
44 839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26,

45 Article V of the Broward County Code of Ordinances, Section 26-67, et seq., the following  
46 Standards of Conduct shall apply to each Elected Official:

47 (1) *Acceptance of gifts.*

48 a. No Elected Official or relative, registered domestic partner, or  
49 governmental office staff of any Elected Official, shall accept ~~any gift,~~  
50 directly or indirectly, any gift of food or nonalcoholic beverages with  
51 a value in excess of \$20.00 or any other gift with a value in excess  
52 of \$5.00, from lobbyists registered with the governmental entity on  
53 whose behalf they (or their registered domestic partner or relative)  
54 serve, or from any principal or employer of any such registered  
55 lobbyist, or from vendors or contractors of such governmental entity.  
56 In order to effectuate this provision, no lobbyist shall engage in any  
57 lobbying activity prior to registering as a lobbyist with the applicable  
58 governmental entity. For purposes of this paragraph, neither  
59 Broward County, any municipality within Broward County, nor any  
60 other governmental entity shall be considered a registered lobbyist,  
61 a principal or employer of a registered lobbyist, or a vendor or  
62 contractor of any governmental entity within Broward County.

63 . . .

64 Section 2. Section 26-73 of the Broward County Code of Ordinances is hereby  
65 amended to read as follows:

66 **Sec. 26-73. Code of Ethics.**

67 (a) Solicitation or Acceptance of Gifts.

68 (1) County employees shall not solicit or accept any gift, regardless of value, in  
69 their official capacity as employees, nor shall they solicit or accept any gift  
70 in either an official or personal capacity that may be reasonably perceived  
71 to be given to encourage or discourage them from taking any action in  
72 connection with their County employment.

73 . . .

74 (6) Notwithstanding Section 26-73(a)(1), the office staff of County  
75 Commissioners may, with written approval of the County Commissioner for  
76 whom the staff member works, accept gifts of food and/or nonalcoholic  
77 beverages with a value not greater than \$20.00.

78 . . .

79 Section 3. Conflicting Earlier Ordinances Superseded.

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

84 Section 4. Severability.

85 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
86 portion will be stricken, and such striking will not affect the validity of the remainder of this  
87 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
88 legally applied to any individual, group, entity, property, or circumstance, such  
89 determination will not affect the applicability of this Ordinance to any other individual,  
90 group, entity, property, or circumstance.

91 Section 5. Inclusion in the Broward County Code of Ordinances.

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

97 Section 6. Effective Date.

98 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 09/25/2024  
Kristin M. Carter (date)  
Assistant County Attorney

By: /s/ Annika E. Ashton 09/25/2024  
Annika E. Ashton (date)  
Deputy County Attorney

KMC/jl  
Gift Threshold Ordinance  
09/25/2024  
#1081148.11

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.