

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE OFFICIAL LOGO OF BROWARD COUNTY
3 ("BROWARD COUNTY LOGO"); CREATING SECTION 21-1 AND AMENDING
4 SECTION 8½-16 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE");
5 ESTABLISHING AUTHORIZED USES AND DEFINING UNLAWFUL PRACTICES
6 RELATING TO THE BROWARD COUNTY LOGO; ESTABLISHING PENALTIES FOR
7 UNAUTHORIZED USE OF THE BROWARD COUNTY LOGO; AND PROVIDING FOR
8 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 WHEREAS, the Broward County Board of County Commissioners adopted the
12 Broward County logo ("Broward County Logo") on March 5, 2002 (Item No. 45);

13 WHEREAS, certain entities in Broward County have utilized the Broward County
14 Logo without permission and in such a manner that misleadingly implies a County
15 affiliation with or endorsement of the entity;

16 WHEREAS, misuse of the Broward County Logo diminishes the goodwill of
17 Broward County and harms the public; and

18 WHEREAS, expressly prohibiting misuse of the Broward County Logo in the
19 Broward County Code of Ordinances ("Code") will permit the County to penalize misuse
20 as a Code violation, and will better protect the public from deception by misuse of the
21 Broward County Logo,

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

Section 1. Section 21-1 of the Broward County Code of Ordinances is hereby
created to read as follows:

[Underlining omitted]

Sec. 21-1. County logo; approved use; unlawful practices; penalties.

(a) The logo described and depicted in Section 21-1(b) is the official logo of
Broward County. The "Broward County Logo," as used in this section, means the official
logo described in Section 21-1(b), below, along with any derivatives thereof that include
a portion of the Broward County Logo or that are so similar to the Broward County Logo
that there is a suggestion of an affiliation with or endorsement by Broward County.

(b) The Broward County Logo consists of the words "BROWARD COUNTY
FLORIDA" with a depiction of the sun as the "O" in "BROWARD." A reproduction of the
Broward County Logo is set forth below.



(c) No person or entity shall knowingly display any printed or other likeness of
the Broward County Logo, or any facsimile thereof, in, or in connection with, any
advertisement, poster, circular, book, pamphlet, flyer, website, or other publication, public

meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship, approval, or endorsement by, or affiliation with, Broward County or by any department, agency, or instrumentality of Broward County.

(d) Except as permitted herein or otherwise authorized by the Broward County Board of County Commissioners or the Board's authorized designee, no person or entity shall knowingly use, manufacture, reproduce, sell, or purchase for resale, either separately or affixed to any article manufactured or sold, any likeness of the Broward County Logo or any substantial part thereof.

(e) Notwithstanding anything else in this section, the use of the Broward County Logo for criticism, parody, comment, news reporting, teaching, research, or other exercise of First Amendment rights protected by the United States Constitution or any rights under the Declaration of Rights of the Florida Constitution is not a violation of this section. In addition, any use of the Broward County Logo that is expressly authorized by the Board of County Commissioners or in writing by the County Administrator or designee is not a violation of this section.

(f) Violations.

(1) *Unfair, Deceptive Act or Practice.* Any violation of Section 21-1 constitutes an unfair, deceptive, or unconscionable act or practice under the Florida Deceptive and Unfair Trade Practices Act, Section 501.201, et seq., Florida Statutes.

61 (2) *Civil enforcement.* Any violation of Section 21-1 may be enforced according
62 to the alternate code enforcement procedures provided in Chapter 8½,
63 Article II, of the Broward County Code of Ordinances, as amended, and is
64 subject to the civil fines stated therein. A violation of Section 21-1 may also
65 be enforced through a civil action for damages and/or an injunction; and
66 such suit or action may be instituted and maintained in the name of Broward
67 County by the Office of the County Attorney, which is hereby authorized to
68 maintain any such suit or action. Nothing contained herein shall be
69 construed to preempt the imposition of higher penalties imposed by state or
70 federal law.

71 (3) *Criminal enforcement.* Any violation of Section 21-1 constitutes a County
72 ordinance violation pursuant to Section 125.69, Florida Statutes, as
73 amended, shall be prosecuted in the same manner as misdemeanors are
74 prosecuted, and is subject to penalties of up to \$500 per violation,
75 imprisonment in the county jail for a term not to exceed sixty (60) days per
76 violation, or both.

77 (4) *Separate violations.* Each distinct instance of misuse in violation of
78 Section 21-1 is a separate violation. For purposes of this section, misuse of
79 the Broward County Logo one or more times in one publication or edition of
80 a circular or pamphlet, regardless of the number of those circulars or
81 pamphlets that are printed or distributed, would constitute a single violation;
82 misuse in a different circular or pamphlet, or a different publication or edition
83 of same, would constitute a separate violation. For continuous instances of

84 misuse, such as display on a website, ongoing misuse of the Broward
85 County Logo for one or more days within each rolling thirty (30) day period
86 after first use constitutes a separate violation.

87 Section 2. Section 8½-16 of the Broward County Code of Ordinances is hereby
88 amended to read as follows:

89 **Sec. 8½-16. Schedule of civil penalties.**

90 . . .

91 SCHEDULE OF CIVIL PENALTIES

92 (a) *Violations of Florida Building Code and Broward County Zoning Code:*

93 ~~SCHEDULE OF CIVIL PENALTIES~~

94 . . .

95 (f) *Miscellaneous provisions:*

96		<i>Fine</i>	
97	<i>Violation</i>	<i>First</i>	<i>Repeat</i>
98		<i>Violation</i>	<i>Violation</i>
99	. . .		
100	<u>(42) Prohibited use of Broward County Logo (sec. 21-1)</u>	<u>250.00</u>	<u>500.00</u>

101 . . .

102 Section 3. Severability.

103 If any portion of this Ordinance is determined by any court to be invalid, the invalid
104 portion will be stricken, and such striking will not affect the validity of the remainder of this
105 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
106 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/ Amanda M. Tolbert 10/27/2023
Amanda M. Tolbert (date)
Assistant County Attorney

By: /s/ René D. Harrod 10/27/2023
René D. Harrod (date)
Chief Deputy County Attorney

AMT/jl
County Logo Ordinance
10/27/2023
#1050955v16

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