

**PROPOSED**

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO THE CONE OF SILENCE; AMENDING  
3 SECTION 1-266 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”);  
4 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN  
5 EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)  
7

8 WHEREAS, Section 1-266 of the Broward County Code of Ordinances sets forth  
9 the Broward County Cone of Silence (“Cone of Silence”), which limits permitted  
10 communications during the pendency of competitive solicitations; and

11 WHEREAS, the Board of County Commissioners finds it appropriate at this time  
12 to modify certain portions of the Cone of Silence,

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

15 Section 1. Section 1-266 of the Broward County Code of Ordinances is hereby  
16 amended to read as follows:

17 **Sec.1-266. Cone of Silence.**

18 (a) *Definitions.* For purposes of this section, use of the plural shall include the  
19 singular, and use of the singular shall include the plural. Any terms used in this section  
20 but not defined herein have the same meaning as defined in Chapter 21 of the Broward  
21 County Administrative Code (the “Procurement Code”). The following additional

22 definitions apply unless the context in which the word or phrase is used requires a  
23 different definition:

24 . . .

25 *Competitive Solicitation* has the meaning ascribed to it in the Procurement Code,  
26 and includes ITBs, RFPs, RLIs, RFQs, and similar solicitations publicly advertised by  
27 any Broward County agency to competitively procure goods or services. In addition, as  
28 used herein, the term “Competitive Solicitation” includes a solicited public private  
29 partnership as well as an Unsolicited Public Private Partnership as defined herein. For  
30 Competitive Solicitations that utilize a Two-Step Solicitation Method, the term  
31 “Competitive Solicitation” as used herein shall be construed to commence upon  
32 advertisement of Step One and continue through Step Two, inclusive of any interim  
33 period between Step One and Step Two.

34 . . .

35 (c) *Effective dates.*

36 (1) Except for Unsolicited P3s, the Cone of Silence shall begin upon  
37 advertisement of the Competitive Solicitation. For Unsolicited P3s, the Cone  
38 of Silence shall begin as follows: for the Vendor that submitted the proposal,  
39 upon the County’s receipt of the proposal; and for all other Vendors, upon  
40 decision by the County to advertise a Competitive Solicitation for the subject  
41 matter of the proposal.

42 (2) The Cone of Silence shall terminate at the earliest of the following: the time  
43 the Board of County Commissioners (“Board”) or other award authority  
44 (i) makes final award or approves the contract for the Competitive

45 Solicitation, (ii) rejects all bids or responses to the Competitive Solicitation  
46 other than for a Two-Step Competitive Solicitation, or rejects all bids or  
47 responses to Step One of a Two-Step Competitive Solicitation, or (iii) takes  
48 other action that ends the Competitive Solicitation; ~~or (iv)~~ the time the Board  
49 determines not to advertise a Competitive Solicitation for the applicable  
50 Unsolicited P3.

51 Section 2. Severability.

52 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
53 portion will be stricken, and such striking will not affect the validity of the remainder of this  
54 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
55 legally applied to any individual, group, entity, property, or circumstance, such  
56 determination will not affect the applicability of this Ordinance to any other individual,  
57 group, entity, property, or circumstance.

58 Section 3. Inclusion in the Broward County Code of Ordinances.

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

64 Section 4. Effective Date.

65 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/ Fernando Amuchastegui 01/06/2025  
Fernando Amuchastegui (date)  
Senior Assistant County Attorney

By: /s/ René D. Harrod 01/06/2025  
René D. Harrod (date)  
Chief Deputy County Attorney

RDH/cv  
Cone of Silence Ordinance  
01/06/2025  
#1117278v16

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