



Broward County

Legislation Details (With Text)

File #: 23-144 **Version:** 1

Status: Agenda Ready

In control: PUBLIC HEARING

On agenda: 2/7/2023 **Final action:** 2/7/2023

Title: MOTION TO ADOPT Resolution Amending the Broward County Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PROCEDURES FOR WHISTLEBLOWER COMPLAINTS AND RETALIATION COMPLAINTS; REPEALING AND REPLACING SECTIONS 19.66 THROUGH 19.68 AND CREATING SECTION 19.69 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); PROVIDING PROCEDURES FOR FILING AND INVESTIGATING WHISTLEBLOWER COMPLAINTS AND RETALIATION COMPLAINTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Proposed Resolution Amending the Broward County Administrative Code, 2. Exhibit 2 - Copy of Memorandum from the Office of the County Attorney

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution Amending the Broward County Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PROCEDURES FOR WHISTLEBLOWER COMPLAINTS AND RETALIATION COMPLAINTS; REPEALING AND REPLACING SECTIONS 19.66 THROUGH 19.68 AND CREATING SECTION 19.69 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); PROVIDING PROCEDURES FOR FILING AND INVESTIGATING WHISTLEBLOWER COMPLAINTS AND RETALIATION COMPLAINTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider adoption of the Resolution Amending the Broward County Administrative Code was adopted by the Board of County Commissioners at its meeting of January 24, 2023.

What Action Accomplishes

Allows for the Board's consideration of the Resolution Amending the Broward County Administrative Code.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Section 112.3187, Florida Statutes, authorizes the Board to establish an Ordinance for investigating whistleblower complaints and allegations of retaliation. Section 3.08 of the Broward County Charter requires that the Board establish protections for all County employees and appointees who report violations of any local, state, or federal law, regulation, policy, or procedure regarding alleged abuse of authority or misuse of public funds, or who report the existence of a danger to the public health, safety, or welfare.

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 Resolution updates these procedures to make them consistent with developing case law and other County processes. A memorandum to the Board from the Office of the County Attorney summarizing the material aspects of the proposed amendments is attached as Exhibit 2.

The proposed Resolution, if adopted, would require that whistleblower complaints be submitted in writing to the Professional Standards Section of the Human Resources Division ("Professional Standards") or to the Office of the County Auditor, and include the name of the employee or person submitting the whistleblower complaint. Professional Standards is designated as the primary agency to investigate whistleblower complaints. Upon completion of its investigation, Professional Standards would forward a written report with its investigative findings and conclusions to the County Administrator. The Office of the County Auditor may also investigate whistleblower complaints, in which case, upon completion of its investigation, the County Auditor would provide a written report with its findings to the County Administrator and the appropriate County agency. The proposed Resolution would also provide for procedures and remedies for retaliation complaints, including that retaliation complaints be investigated by Professional Standards, and the complaint and a written investigative report be referred to an impartial panel of three (3) persons designated by the County Administrator. The review panel would provide written findings to the County Administrator for a final decision.

A related agenda item on the Board's February 7, 2023, public hearing agenda addresses a proposed Ordinance containing related amendments to the Broward County Code of Ordinances.

Source of Additional Information

Adam M. Katzman, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.