



Broward County

Legislation Text

File #: 22-1616, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending the Broward County Code of Ordinances (the "Code") to conform the Code's definitions of lobbying to recently modified Florida law and to propose any other modifications to related Code provisions as may be recommended by the Office of the County Attorney.

Why Action is Necessary

Board direction is required for the Office of the County Attorney to draft an Ordinance amending the Broward County Code of Ordinances.

What Action Accomplishes

Provides the required direction to the Office of the County Attorney.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Through a series of amendments to the Code more than a decade ago, Broward County established some of the most stringent lobbying regulations in the state, far surpassing what then existed under state law. These regulations included prohibitions on elected officials throughout the County lobbying other elected and appointed officials and prohibitions on lobbying by elected officials' immediate family members. Additionally, the County enacted an expansive definition of lobbying and, through a Charter amendment, made its regulations applicable countywide.

In 2018 voters approved an amendment to the Florida Constitution ("Amendment 12") that (1) prohibits local officials, including county commissioners, from lobbying local, state, or federal agencies on issues of policy, appropriation, or procurement, and (2) establishes a six-year "revolving door" ban on lobbying one's former agency. In 2022 the Legislature enacted Sections 112.3121 and 112.3122, Florida Statutes, which implemented Amendment 12 and will become effective on December 31, 2022. Once the new law goes into effect, Florida's lobbying prohibitions will be some of the most expansive in the country, and the County's lobbying regulations will be largely redundant.

In addition, the definitions of lobbying under the new state law and under the County's Code are

inconsistent. While County lobbying restrictions may be more stringent than the state's broad restrictions (which we believe are constitutionally suspect), inconsistencies in the definitions (and the layering of restrictions) create legal risk and make compliance with both state and local standards more difficult. Conforming the Code's definitions to the new state law would add clarity and reduce confusion, which would enhance compliance.

This item directs the Office of the County Attorney to draft an amendment to the Code, for the Board's subsequent consideration, to conform the Code to the state's definition of lobbying to provide both consistency with the new state law and clarity to local officials required to navigate both state and local standards. In addition, this item directs the Office of the County Attorney to review the Code and propose any other amendments to the County's lobbying restrictions that the Office of the County Attorney recommends for consideration by the Board.

Source of Additional Information

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

To be determined by the Office of Management and Budget upon presentation of a draft Ordinance.