



Broward County

Legislation Text

File #: 22-1703, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LOBBYING; AMENDING VARIOUS SECTIONS OF CHAPTERS 1 AND 26 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of October 25, 2022.

What Action Accomplishes

Allows for the Board's consideration of the proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

In 2010 the Board enacted the County's current ethics code for elected officials, which code was developed by an Ethics Commission created as a result of an amendment to the Broward County Charter proposed by the Charter Review Commission. The enacted code established extraordinarily broad lobbying regulations, far surpassing what then existed under state law. These regulations included prohibitions on County Commissioners lobbying other elected and appointed officials throughout the County, and prohibitions on lobbying by immediate family members and public office staff of County Commissioners. Additionally, the ethics code utilized an expansive definition of lobbying and, as authorized by a subsequent Charter amendment, was subsequently expanded to cover municipal elected officials.

In 2018 voters approved an amendment to the Florida Constitution ("Amendment 12") that prohibits

local officials, including county and municipal commissioners, from lobbying local, state, or federal agencies on issues of policy, appropriation, or procurement. In 2022 the Legislature enacted Sections 112.3121 and 112.3122, Florida Statutes, which implemented Amendment 12 and 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.

This proposed Ordinance makes several changes to the County's ethics code to promote compliance and consistency and to make the County's lobbying regulations more legally defensible. First, the proposed Ordinance would conform the County's code to the new, expansive state restrictions on local officials lobbying, which restrictions, among other things, apply to compensated lobbying. Second, with regard to current restrictions on lobbying activities by current and former advisory board members, the proposed Ordinance would confine such restrictions to compensated lobbying. Third, where permitted under state law, the proposed Ordinance would permit immediate family members of elected officials to lobby covered individuals in Broward County under certain conditions, including a disclosure requirement. Finally, this Ordinance would standardize the relevant definitions throughout the County's lobbying regulations.

An amendment to the proposed Ordinance (Exhibit 2) is proposed by the Office of the County Attorney to broaden the ability of an elected official's immediate family members to lobby, but would require the elected official to file a disclosure if the elected official has knowledge of the lobbying.

A memorandum from the Office of the County Attorney further explaining the proposed changes is attached as Exhibit 3.

Source of Additional Information

Joseph K. Jarone, 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.