



# Broward County

## Legislation Text

---

File #: 23-142, 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 WHISTLEBLOWER COMPLAINTS; REPEALING AND REPLACING SECTION 26-6 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CREATING DEFINITIONS; PROHIBITING RETALIATION; CREATING PROCEDURES FOR WHISTLEBLOWER COMPLAINTS AND RETALIATION COMPLAINTS; 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 January 24, 2023.

#### **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**

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 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 Ordinance 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 Ordinance, if enacted, would provide definitions for key terms, and would require that information disclosed by a "whistleblower" be provided to the Professional Standards Section of the Human Resources Division or to the County Auditor. The proposed Ordinance would also provide for procedures and remedies for retaliation complaints, including that retaliation complaints be investigated by a designee of the County Administrator and that the complaint and a written report of the investigation be referred to an impartial panel of County staff designated by the County Administrator. The panel would submit its written findings to the County Administrator for a final decision, and the County Administrator would be authorized to award relief as appropriate, including reinstatement of the individual and compensation for lost wages and benefits (if and as applicable).

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

#### **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.