

ITEM#60

(Replacement Exhibit 1).

ADDITIONAL MATERIAL
Public Hearing

NOVEMBER 12, 2024

SUBMITTED AT THE REQUEST OF
COMMISSIONER MARK D. BOGEN

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO ETHICS; AMENDING SECTION 1-19 OF THE
3 BROWARD COUNTY CODE OF ORDINANCES (“CODE”); AMENDING SECTION 26-73
4 OF THE CODE; SUPERSEDING CONFLICTING ORDINANCES; AND PROVIDING
5 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by Commissioner Mark D. Bogen)
7

8 WHEREAS, Chapter 112, Part III, Florida Statutes, provides a Code of Ethics for
9 Public Officers and Employees (“Florida Code of Ethics”), which applies to members of
10 the Broward County Board of County Commissioners (the “Board”), County employees,
11 and mayors and members of governing bodies of municipalities within Broward County
12 (“Municipal Officials”);

13 WHEREAS, Section 112.326, Florida Statutes, empowers local governments to
14 impose more stringent ethical standards than are provided under the Florida Code of
15 Ethics;

16 WHEREAS, pursuant to the Broward County Charter, the Board enacted
17 Section 1-19 of the Broward County Code of Ordinances, known as the Code of Ethics
18 for Elected Officials (“County Code of Ethics”), which imposes more stringent ethical
19 standards than the Florida Code of Ethics, including more stringent gift limitations;

20 WHEREAS, the Florida Code of Ethics, in most instances, permits public officials
21 who are subject to its gift limitations to accept gifts worth \$100.00 or less from donors

22 who lobby or do business with their agencies, thus allowing most public officials to interact
23 with the public in situations where items of nominal value may be exchanged, while still
24 prohibiting sizable gifts that may invite actual or perceived impropriety;

25 WHEREAS, the stringent gift limitations in the County Code of Ethics
26 unintentionally discourage personal interaction and communication between elected
27 officials and the communities they serve, and under certain circumstances impose
28 unnecessary costs on City and County governments to pay for elected officials' admission
29 to or participation in relevant events that would otherwise not require public expenditure;
30 and

31 WHEREAS, the Board finds that modifying the County Code of Ethics as provided
32 below will improve understanding of, and compliance with, the law and promote
33 communication and interaction between local governments and the communities they
34 serve, thus strengthening the County Code of Ethics, and further finds that such
35 modification is in the best interest of the County,

36 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
37 BROWARD COUNTY, FLORIDA:

38 Section 1. Section 1-19 of the Broward County Code of Ordinances is hereby
39 amended to read as follows:

40 **Sec. 1-19. Code of ethics for elected officials.**

41 . . .

42 (c) *Standards of Conduct.* In addition to the provisions of Chapter 112, Part III,
43 Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and
44 839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26,

45 Article V of the Broward County Code of Ordinances, Section 26-67, et seq., the following
46 Standards of Conduct shall apply to each Elected Official:

47 (1) *Acceptance of gifts.*

48 a. No Elected Official or relative, registered domestic partner, or
49 governmental office staff of any Elected Official, shall accept ~~any gift,~~
50 directly or indirectly, any gift of food and/or nonalcoholic beverages
51 with a value in excess of \$25.00 or any other gift with a value in
52 excess of \$5.00, from lobbyists registered with the governmental
53 entity on whose behalf they (or their registered domestic partner or
54 relative) serve, or from any principal or employer of any such
55 registered lobbyist, or from vendors or contractors of such
56 governmental entity. In order to effectuate this provision, no lobbyist
57 shall engage in any lobbying activity prior to registering as a lobbyist
58 with the applicable governmental entity. For purposes of this
59 paragraph, neither Broward County, any municipality within Broward
60 County, nor any other governmental entity shall be considered a
61 registered lobbyist, a principal or employer of a registered lobbyist,
62 or a vendor or contractor of any governmental entity within Broward
63 County.

64 . . .

65 e. When not otherwise permitted by this part (c)(1), "Acceptance of
66 Gifts," the following items may be accepted to the full extent
67 permissible under state law:

- 68 1. Items customarily given to express condolences or sympathy,
69 such as flowers, food items, or cards, given to an Elected
70 Official in connection with the death or significant injury or
71 illness of the Elected Official or an immediate family member
72 of the Elected Official;
- 73 2. Training, including the payment or reimbursement of
74 expenses incurred in connection therewith, provided the
75 training relates to the Elected Official's public service. The
76 receipt of such training is deemed to directly benefit the public
77 on whose behalf the Elected Official serves; and
- 78 3. ~~Nonalcoholic beverages; and~~
- 79 4. Admission tickets to charitable events available to the public,
80 provided that any Elected Official or governmental office staff
81 of the Elected Official who receives such tickets ~~shall:~~
- 82 a. Within fifteen (15) days after receiving such tickets,
83 files for public inspection a disclosure form stating the
84 name of the donor, the value of the tickets received,
85 and the date and location of the event; and
- 86 b. Within thirty (30) days after the event, reimburses the
87 donor for the value of the food and beverages
88 consumed by the person(s) using the tickets.
- 89 . . .

90 Section 2. Section 26-73 of the Broward County Code of Ordinances is hereby
91 amended to read as follows:

92 **Sec. 26-73. Code of Ethics.**

93 (a) Solicitation or Acceptance of Gifts.

94 (1) County employees shall not solicit or accept any gift, regardless of value, in
95 their official capacity as employees, nor shall they solicit or accept any gift
96 in either an official or personal capacity that may be reasonably perceived
97 to be given to encourage or discourage them from taking any action in
98 connection with their County employment.

99 . . .

100 (6) Notwithstanding Section 26-73(a)(1), the office staff of County
101 Commissioners may, with written approval of the County Commissioner for
102 whom the staff member works, accept gifts of food and/or nonalcoholic
103 beverages with a value not greater than \$25.00.

104 . . .

105 Section 3. Conflicting Earlier Ordinances Superseded.

106 To the extent any provision of this Ordinance, including its manner of enactment
107 by a simple majority vote of the Board, conflicts with Ordinance No. 2010-22,
108 Ordinance No. 2011-19, or Ordinance No. 2015-55, this Ordinance supersedes and
109 amends said earlier ordinances solely to the extent of such conflict.

110 Section 4. Severability.

111 If any portion of this Ordinance is determined by any court to be invalid, the invalid
112 portion will be stricken, and such striking will not affect the validity of the remainder of this

113 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
114 legally applied to any individual, group, entity, property, or circumstance, such
115 determination will not affect the applicability of this Ordinance to any other individual,
116 group, entity, property, or circumstance.

117 Section 5. Inclusion in the Broward County Code of Ordinances.

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

123 Section 6. Effective Date.

124 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/ Kristin M. Carter 11/05/2024
Kristin M. Carter (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 11/05/2024
Annika E. Ashton (date)
Deputy County Attorney

KMC/mb
Gift Threshold Ordinance
11/05/2024
#1081148.14

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