



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the County's website by the time notice of the proposed ordinance is published.

Ordinance title/reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ETHICS; AMENDING THE GIFT RESTRICTIONS SET FORTH IN SECTION 1-19(C)(1) OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); SUPERSEDING CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The ordinance is enacted to implement the following:
 - a. Development orders and development permits, as defined in Section 163.3164, and development agreements authorized under the Florida Local Government Development Agreement Act;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by application by a non-municipal private party;
 - c. Sections 190.005 and 190.046, regarding community development districts;
 - d. Section 553.73, relating to the Florida Building Code; or
 - e. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare): Section 1-19, Broward County Code of Ordinances (the "Code"), provides standards of ethical conduct applicable to Broward County Commissioners, municipal mayors, and members of the governing bodies of municipalities in Broward County (collectively, "Elected Officials"). Other than a few exceptions, Section 1-19(c)(1) of the Code prohibits Elected Officials,

their relatives, registered domestic partners, and governmental office staff from accepting food and nonalcoholic beverages worth more than \$25.00 and other gifts valued at more than \$5.00 from registered lobbyists, the lobbyists' principals or employers, or contractors or vendors of the Elected Officials' governmental entity (collectively, "Regulated Donors"). Section 1-19(c)(1) also imposes a \$50.00 limit for any gifts received by Elected Officials in their official capacity from sources other than Regulated Donors.

Chapter 112, Part III, Florida Statutes, provides a Code of Ethics for Public Officers and Employees ("Florida Code of Ethics"), which applies to Elected Officials. The Florida Code of Ethics imposes a \$100.00 limit on any gifts to Elected Officials from Regulated Donors, and it does not impose any limit on gifts to Elected Officials in their official capacity from other sources. Section 1-19(c)(1) is thus more restrictive than the Florida Code of Ethics.

The County's rules relating to acceptance of gifts are complicated, with numerous nuanced exceptions that create undue risk of unintentional violation. They are also different than state law, causing confusion and increasing the chance of inconsistent enforcement of gift restrictions. As a result, Elected Officials invited to community events or given tokens by constituents as part of their routine duties must frequently spend significant time analyzing the gift law implications, undertaking extensive fact-finding, and even engaging legal counsel to conduct detailed analyses to ensure compliance with Section 1-19(c)(1).

The proposed Ordinance would amend Section 1-19(c)(1) of the Code to eliminate the more restrictive local provisions on acceptance of gifts by Elected Officials. Elected Officials would be required to comply only with the Florida Code of Ethics restrictions on gifts.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in Broward County, including, if applicable:

- a. Estimate of direct compliance costs that businesses may reasonably incur;
- b. Any new charge or fee imposed by the proposed ordinance; and
- c. Estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is estimated that there will be no direct economic impact of the proposed ordinance on private, for-profit businesses in Broward County.

3. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is estimated that there will be no businesses likely to be impacted by the proposed ordinance.

4. Additional information (if any):