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ORDINANCE NO. 2011-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO A CODE OF ETHICS FOR THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS AND OTHER SPECIFIED INDIVIDUALS; MODIFYING CERTAIN PORTIONS OF SECTION 1-19 AND EXTENDING IT TO COVER ELECTED MUNICIPAL OFFICIALS AND OTHER SPECIFIED INDIVIDUALS; DELETING REFERENCES IN SECTION 1-19 TO THE BROWARD COUNTY OFFICE OF INSPECTOR GENERAL AND REFERENCES TO ENFORCEMENT OF THE CODE OF ETHICS, WHICH SUBJECTS ARE NOW GOVERNED BY ARTICLE XII OF THE BROWARD COUNTY CHARTER; AMENDING SECTIONS 1-261 AND 26-72.5 OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CONSISTENT DEFINITIONS OF LOBBYING AND RELATED TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Mayor Sue Gunzburger)

WHEREAS, on August 10, 2010, the Board of County Commissioners (the "Board") enacted Ordinance No. 2010-22, a "Code of Ethics for the Broward County Board of County Commissioners" (the "County Commissioner Ethics Code"); and

WHEREAS, on November 2, 2010, Broward County's voters approved an amendment to the Broward County Charter providing that County ordinances shall prevail over municipal ordinances whenever the County acts to regulate the conduct of elected officials, appointed officials, and public employees in Broward County through an enacted code of ethics; and

WHEREAS, also on November 2, 2010, the County's voters approved an amendment to the Broward County Charter that created a charter-based Office of

1 Inspector General ("OIG") and preempted the portion of Ordinance No. 2010-22 that  
2 had previously created a County Office of Inspector General; and

3 WHEREAS, after the Board stated its intention to expand the County  
4 Commissioner Ethics Code to cover municipal officials in Broward County,  
5 municipalities were afforded the opportunity to provide their input regarding the  
6 expanded code; and

7 WHEREAS, the Broward League of Cities submitted certain proposed ethics  
8 provisions that the League believed were necessary and appropriate for inclusion in any  
9 ethics code applicable to municipal officials, including provisions recognizing differences  
10 between service as a County Commissioner and service as an elected municipal  
11 official; and

12 WHEREAS, at the request of the Board, the League's proposed provisions were  
13 reviewed by the OIG; and

14 WHEREAS, the OIG recommended that certain provisions proposed by the  
15 League be included in the expanded code, and the Board agrees that the provisions  
16 recommended by the OIG should be included in the expanded code; and

17 WHEREAS, the Board finds that a single, uniform code providing ethics  
18 standards for County Commissioners, elected municipal officials, and certain other  
19 specified individuals will facilitate compliance with those ethics standards and will permit  
20 greater efficiencies in connection with investigations and enforcement regarding alleged  
21 violations of the code; and

22 WHEREAS, the Board finds that the provisions of this Ordinance strengthen and  
23 supplement the restrictions and protections originally provided under the County  
24 Commissioner Ethics Code,

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1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 BROWARD COUNTY, FLORIDA:

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

5 Sec. 1-19. Code of Ethics for Elected Officials.

6 (a) Statement of Policy.

7 It is the policy of Broward County that the Board of County Commissioners work  
8 for the benefit of the citizens of the County and elected officials of municipalities work  
9 for the benefit of the citizens of their respective municipalities. County Commissioners  
10 and elected municipal officials shall not receive any personal economic or financial  
11 benefit resulting from their service on their local governing bodies beyond legally  
12 authorized direct compensation. It is the responsibility of each County Commissioner  
13 and elected municipal official to act in a manner that promotes public trust and  
14 confidence in government with complete transparency and honesty in their services,  
15 and to avoid even the appearance or perception of impropriety.

16 (b) Definitions. For purposes of this code of ethics (the "Broward County  
17 Elected Official Code of Ethics"):

- 18 1. "Contractor" means any person or entity having a contract with the  
19 applicable local governmental entity.
- 20 2. "Covered Individual" means (i) any member of the Board of County  
21 Commissioners; (ii) any member of a governing body of any municipality  
22 within Broward County; (iii) any municipal mayor; (iv) any member of a  
23 final decision-making body under the jurisdiction of the Board of County  
24 Commissioners or the governing body of any municipality within Broward

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1 County; (v) any individual directly appointed to a County or municipal  
2 employment position by the Board of County Commissioners, by a  
3 governing body of any municipality within Broward County, or by a  
4 municipal mayor; (vi) any individual serving on a contractual basis as a  
5 municipality's chief legal counsel or chief administrative officer, when such  
6 individual is acting in his or her official capacity; (vii) any member of a  
7 selection, evaluation, or procurement committee that ranks or makes  
8 recommendations to any final decision-making authority regarding a  
9 County or municipal procurement; (viii) any employee, any official, or any  
10 member of a committee of Broward County or of any municipality within  
11 Broward County that has authority to make a final decision regarding a  
12 public procurement; and (ix) the head of any department, division, or office  
13 of Broward County or of any municipal government who makes final  
14 recommendations to a final decision-making authority regarding items that  
15 will be decided by the final decision-making authority. For purposes of the  
16 prohibition on lobbying under section (c)(2) below, "Covered Individual"  
17 also includes members of other local governmental entities within Broward  
18 County, including taxing authorities, quasi-judicial boards, appointed  
19 boards, and commissions.

- 20 3. "*Elected Official*" means any member of the Board of County  
21 Commissioners and any Municipal Official as defined below.
- 22 4. "*Filed for Public Inspection*" means that the form is completed legibly and  
23 is filed with the applicable governmental entity's chief administrative  
24 official or clerk, with a copy of the form or all information contained thereon

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1 inputted into the applicable governmental entity's database, which  
2 database shall be searchable by internet. For any municipality that does  
3 not maintain a website sufficient to meet the requirements of this  
4 paragraph, the form or information may be inputted into a database  
5 maintained by the Broward League of Cities, provided that database is  
6 searchable by internet.

7 5. "*Final Decision-Making Authority*" means (i) the Board of County  
8 Commissioners; (ii) the governing body of any municipality within Broward  
9 County; (iii) municipal mayors; (iv) final decision-making bodies under the  
10 jurisdiction of the Board of County Commissioners or under the jurisdiction  
11 of the governing body of any municipality within Broward County; and (v)  
12 any employee, official, or committee of Broward County or of any  
13 municipality within Broward County that has authority to make a final  
14 decision to select a vendor or provider in connection with a public  
15 procurement. For purposes of the prohibition of lobbying under section  
16 (c)(2) below, "*Final Decision-Making Authority*" also includes other local  
17 governmental entities within Broward County, including taxing authorities,  
18 quasi-judicial boards, appointed boards, and commissions.

19 6. "*Immediate Family Member*" means a parent, spouse, child, sibling, or  
20 registered domestic partner.

21 7. "*Lobbying*" or "*Lobbying Activities*" means a communication, by any  
22 means, from a lobbyist to a covered individual regarding any item that will  
23 foreseeably be decided by a final decision-making authority, which  
24 communication seeks to influence, convince, or persuade the covered

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1 individual to support or oppose the item. Lobbying does not include  
2 communications:

- 3 a. Made on the record at a duly-noticed public meeting or hearing; or
- 4 b. From an attorney to an attorney representing Broward County or  
5 any municipality within Broward County regarding a pending or  
6 imminent judicial or adversarial administrative proceeding against  
7 Broward County or against any municipality within Broward County.

8 8. "*Lobbyist*" means a person who is retained, with or without compensation,  
9 for the purpose of lobbying, or a person who is employed by another  
10 person or entity, on a full-time or part-time basis, principally to lobby on  
11 behalf of that other person or entity. "Lobbyist" does not include a person  
12 who is:

- 13 a. An Elected Official, employee, or appointee of Broward County or  
14 of any municipality within Broward County communicating in his or  
15 her official capacity.
- 16 b. An individual who communicates on his or her own behalf, or on  
17 behalf of a person or entity employing the individual on a full-time or  
18 part-time basis, unless the individual is principally employed by that  
19 person or entity to lobby.
- 20 c. Any employee, officer, or board member of a homeowners'  
21 association, condominium association, or neighborhood association  
22 when addressing, in his or her capacity as an employee, officer, or  
23 board member of such association, an issue impacting the  
24 association or its members; or

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1 d. Any employee, an officer, or a board member of a nonprofit public  
2 interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing  
3 an issue impacting a constituent of that entity.

4 9. "*Municipal Official*" means any individual serving as a member of the  
5 governing body of a municipality within Broward County or serving as a  
6 municipal mayor within Broward County.

7 10. "*Vendor*" means an actual or potential supplier of any goods or services to  
8 the applicable local governmental entity.

9 All operative words or terms used in this Code not defined herein shall be as  
10 defined, in order of priority in the event of inconsistency, by Part III of Florida Statutes  
11 Chapter 112, the Broward County Code of Ordinances, and the Broward County  
12 Administrative Code. The term "relative" shall be as defined in Florida Statutes section  
13 112.3135.

14 (c) Standards of Conduct.

15 In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of  
16 Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title  
17 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward  
18 County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct  
19 shall apply to each Elected Official.

20 (1) Acceptance of Gifts.

21 a. Elected Officials, their spouses or registered domestic partners,  
22 their other relatives, and their County or municipal office staff, shall  
23 not accept gifts, directly or indirectly, regardless of value, from  
24 lobbyists registered with the governmental entity on whose behalf

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1 they (or their spouse, registered domestic partner, or relative)  
2 serve, or from any principal or employer of any such registered  
3 lobbyist, or from vendors or contractors of such governmental  
4 entity. In order to effectuate this provision, no lobbyist shall engage  
5 in any lobbying activity prior to registering as a lobbyist with the  
6 applicable governmental entity.

7 b. Elected Officials may accept gifts from other sources given to them  
8 in their official capacity, where not otherwise inconsistent with the  
9 provisions of Florida Statutes Chapter 112, Part III, up to a  
10 maximum value of \$50.00 per occurrence. Gifts given to an  
11 Elected Official in his or her official capacity up to \$50.00 in value  
12 are deemed to be *de minimis*.

13 c. The \$50.00 limitation does not apply to gifts given to Elected  
14 Officials in their personal (non-official) capacity. Such gifts are still  
15 subject to the reporting requirements of Florida Statutes section  
16 112. 3148.

17 (2) Outside/Concurrent employment.

18 a. Elected Officials shall not be employed as a lobbyist or engage in  
19 lobbying activities before any member of the governing body of the  
20 County or any municipality within Broward County, before any  
21 municipal mayor, or before any member of any other local  
22 governmental entities within Broward County, including taxing  
23 authorities, quasi-judicial boards, appointed boards, and  
24 commissions. This form of employment and activity is deemed to

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1 be in substantial conflict with the proper discharge of an Elected  
2 Official's duties in the public interest.

- 3 b. Elected Officials may engage in other employment consistent with  
4 their public duties and where not otherwise inconsistent with the  
5 provisions of Florida Statutes Chapter 112, Part III. All outside or  
6 concurrent employment by an Elected Official, including  
7 employment pursuant to contract, as well as any remuneration  
8 received from that employment, must be disclosed on a form  
9 created by the Broward County Attorney's Office. The disclosure  
10 referenced in the preceding sentence shall be done quarterly by  
11 County Commissioners and annually by Municipal Officials. The  
12 disclosure form must be filed for public inspection. To the extent  
13 complying with the disclosure requirement contained in this  
14 paragraph would violate any written agreement to which a  
15 Municipal Official is a party, the Municipal Official shall file, for  
16 public inspection, a statement, under oath, from the Municipal  
17 Official's employer or other person or entity paying such outside  
18 remuneration, specifying how such violation would result from the  
19 required disclosure. Upon filing such statement, the Municipal  
20 Official shall not be required to comply with that portion of the  
21 disclosure requirement that would result in a violation of the written  
22 agreement for the balance of the Municipal Official's current term of  
23 office as of the effective date of this Ordinance (such disclosure  
24 requirement shall apply in full upon commencement of a new term

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1 of office after the effective date hereof, even if such new term  
2 results from the re-election of a currently-serving Municipal Official).

3 c. A spouse or registered domestic partner, immediate family  
4 members, and County or municipal office staff of an Elected Official  
5 shall not lobby any member of the governing body of the County or  
6 any municipality within Broward County, or before any municipal  
7 mayor, or before members of other local governmental entities  
8 within Broward County, including taxing authorities, quasi-judicial  
9 boards, appointed boards and commissions, or otherwise conduct  
10 business as a vendor or contractor with the local governmental  
11 entity served by the Elected Official.

12 d. The prohibitions on Municipal Officials, their spouses or registered  
13 domestic partners, and their immediate family members stated in  
14 paragraphs a. and c. above shall not apply for the balance of the  
15 Municipal Official's current term of office as of the effective date of  
16 this Ordinance. The prohibitions shall apply for any new term of  
17 office that begins after the effective date hereof, even if such new  
18 term results from a re-election of a currently-serving Municipal  
19 Official.

20 (3) Lobbyists.

21 a. Elected Officials should avoid even the appearance of impropriety  
22 in their interaction and dealings with lobbyists registered under their  
23 local governmental entity's lobbyist registration system and with the  
24 principals or employers of such lobbyists.

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- b. To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with an Elected Official for the purpose of engaging in lobbying activities, either at the Elected Official's offices or elsewhere on the local government's premises, must legibly complete a contact log listing each Elected Official with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.
  - 1. The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each Elected Official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
  - 2. The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.
- c. To further promote full and complete transparency, Elected Officials must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists or their principals or employers outside of their governmental offices/premises. This shall include communicating by any form of telephonic or electronic media.

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1. The disclosure shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.
2. The disclosure shall be made within ten (10) business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.
3. The disclosure shall be filed for public inspection.

(4) Honest Services.

- a. An Elected Official may not engage in a scheme or artifice to deprive another of the material intangible right of honest services or any activity in contravention of his or her duty to provide loyal service and honest governance for the residents of the governmental entity that he or she serves.
- b. This section shall be construed, to the extent possible, in accordance with the standards and intent set forth under 18 U.S.C. s.1346, as may be amended, and Florida Statutes Chapter 838.

(5) Solicitation and Receipt of Contributions.

- a. Charitable Contribution Fundraising.
  1. The solicitation of funds by an Elected Official for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro

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quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.

2. To promote the full and complete transparency of any such solicitation, an Elected Official shall disclose, on a form created by the Broward County Attorney's Office, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that may have promoted the solicitation. The form shall be filed for public inspection.
3. An Elected Official may not use staff or other resources of his or her governmental entity in the solicitation of charitable contributions.
4. The requirements and prohibitions of this subpart shall not apply to actions of an Elected Official in connection with charities or fundraising events sponsored by the official's governmental entity.
5. Salary received by a Municipal Official from a non-profit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who are employed by a non-profit charitable organization when

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1                   soliciting charitable contributions on behalf of that  
2                   organization.

3           b.       **Campaign Contribution Fundraising.**

4                   1.       It is the intent of this Code to promote the full and complete  
5                   transparency of campaign contributions received by Elected  
6                   Officials, consistent with the disclosure requirements  
7                   provided by state statute.

8                   2.       Any campaign finance disclosure that an Elected Official  
9                   must submit to the Supervisor of Elections, or to the  
10                  appropriate municipal election official, in accordance with the  
11                  provisions of Florida Statutes Chapter 106 shall,  
12                  contemporaneously, be filed for public inspection.

13                  3.       Elected Officials who solicit campaign contributions for other  
14                  candidates for public office shall disclose, on a form created  
15                  by the Broward County Attorney's Office, the name of the  
16                  candidate for whom they are soliciting, the location and date  
17                  of any associated event, and both the name and contribution  
18                  amounts of any individual who provided contributions,  
19                  directly or indirectly, to the Elected Official for subsequent  
20                  delivery to the candidate. The form shall be filed for public  
21                  inspection.

22                  4.       An Elected Official may not use any staff or other resources  
23                  of his or her governmental entity in the solicitation or receipt  
24                  of campaign contributions.

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5. Campaign or political contributions may not be made, solicited, or accepted in any government-owned building.

c. The Board of County Commissioners shall be prohibited from waiving the provisions of Section 18.63 of the Broward County Administrative Code as it pertains to the County's acceptance of donations.

(6) Procurement Selection Committees.

a. It shall be a conflict of interest for any Elected Official to serve as a voting member of a Selection/Evaluation Committee in connection with any prospective procurement by the Elected Official's governmental entity. Elected Officials shall not be included as members on any Selection/Evaluation Committee and shall not participate or interfere in any manner at Committee meetings or in the selection of Committee members, which members shall be appointed by the County Administrator or appropriate municipal staff, as relevant. Upon the completion of the selection process by the Committee, Elected Officials may inquire into any and all aspects of the selection process and express any concerns they may have to their Purchasing Director or, where applicable, other employee with responsibility to oversee the procurement process.

b. The prohibitions stated in the preceding paragraph shall not apply to strong mayors with a charter-prescribed strong mayor form of government or to Elected Officials who, under their charter, are required to participate in the procurement process in a manner that

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1 would be inconsistent with such prohibitions. The prohibitions  
2 stated in the preceding paragraph shall also not apply to the hiring  
3 (or contractual procurement, in lieu of hiring) of individuals who  
4 report directly to a local governing body.

5 (7) Financial Disclosure.

- 6 a. Each County Commissioner, contemporaneously with the annual  
7 filing of the Form 6 Disclosure of Financial Interest with the State of  
8 Florida Commission on Ethics, shall file such form for public  
9 inspection. Each Municipal Official, contemporaneously with the  
10 annual filing of the Form 1 Statement of Financial Interests with the  
11 State of Florida Commission on Ethics, shall file such form for  
12 public inspection.

13 (8) Advisory Opinions.

- 14 a. Any Elected Official may request an advisory opinion about how the  
15 Broward County Elected Official Code of Ethics applies to his or her  
16 own situation. Requests for opinions from County Commissioners  
17 shall be made to the Broward County Attorney or to the County  
18 Attorney's designee. Requests for opinions from Municipal Officials  
19 shall be made to the municipality's chief attorney or to that  
20 attorney's designee. Requests for opinions shall be considered  
21 only if in writing and signed by the Elected Official or by his or her  
22 office staff. Requests for opinions shall state all material facts  
23 necessary for the advising attorney to understand the  
24 circumstances and render a complete and correct opinion. If at any



1 time after receipt of a request, the advising attorney believes that  
2 additional information is needed, the Elected Official requesting the  
3 opinion shall be notified and shall furnish such additional  
4 information.

5 b. Until amended or revoked, an advisory opinion rendered pursuant  
6 to this section shall be binding on the conduct of the Elected Official  
7 covered by the opinion unless material facts were omitted or  
8 misstated in the request for the advisory opinion. If the Elected  
9 Official acts in accordance with a binding advisory opinion, the  
10 Elected Official's action may not be found to be in violation of the  
11 Broward County Elected Official Code of Ethics. However, any  
12 opinion rendered under this section shall not be binding as to  
13 whether the Elected Official's action complies with state or federal  
14 ethics requirements.

15 (d) Training and Education.

16 (1) New Elected Officials shall receive a minimum of four (4) hours of training  
17 from their governmental entity's attorney (or as directed by that attorney)  
18 on the topics of the Sunshine Law, public records, and public service  
19 ethics, and shall certify or acknowledge his or her participation in this  
20 training in a form filed with the entity's chief administrative official or clerk.  
21 Such training shall be completed within one hundred twenty (120) days  
22 after taking office. The four (4) hours of training shall count towards the  
23 eight (8) hour training referenced in the paragraph immediately below.  
24 Additional training for new Elected Officials offered by the Florida

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1 Association of Counties or the Florida League of Cities is strongly  
2 encouraged.

- 3 (2) Each Elected Official shall, on an annual basis, attend or participate in a  
4 minimum of eight (8) hours of continuing education training on the topic of  
5 public service ethics. These programs may be available through regional  
6 universities, municipal or local government organizations, or the state or  
7 regional Bar associations. Each Elected Official shall annually certify or  
8 acknowledge that he or she has met this requirement in a form filed with  
9 the entity's chief administrative official or clerk.

10 Section 2. RESTRICTIONS ON AMENDMENT.

11 Except as to any amendments required as a result of changes in governing law:

12 (a) The Board of County Commissioners may at any time strengthen or  
13 supplement the restrictions and protections provided under this Code, but the  
14 restrictions and protections hereof may be weakened or removed, in whole or in part,  
15 only by citizen initiative as referenced in Section 7.01 of the Broward County Charter.

16 (b) If any Court determines that the above-provided requirement of a citizen  
17 initiative is inconsistent with applicable law, then, to the full extent permitted under  
18 applicable law, the restrictions and protections of this Code may be weakened or  
19 removed, in whole or in part, only by an affirmative vote of a majority plus one (1)  
20 member of the full Board of County Commissioners.

21 Section 3. Section 26-72.5 of the Broward County Code of Ordinances, the  
22 definition section of the Broward County Employee Code of Ethics Act, is hereby  
23 amended to read as follows:

24  
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1 Except as stated in (a) through (g) below, the definitions contained or referenced  
2 in Section 1-19, Broward County Code, apply to the same words or terms appearing in  
3 this Act.

4 . . .

5 (b) "Covered Individual" means (i) any member of the Board of County  
6 Commissioners; (ii) any member of a final decision-making body under the jurisdiction  
7 of the Board of County Commissioners; (iii) any member of a selection, evaluation, or  
8 procurement committee that ranks or makes recommendations to any final decision-  
9 making authority regarding a County procurement; (iv) any employee of Broward  
10 County that has authority to make a final decision regarding a public procurement; and  
11 (v) the head of any department, division, or office of Broward County who makes final  
12 recommendations to a final decision-making authority regarding items that will be  
13 decided by the final decision-making authority.

14 (c) "Gift" shall be as defined in Subsection 112.312(12), Florida Statutes.

15 (d) "Final Decision-Making Authority" means (i) the Board of County  
16 Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of  
17 County Commissioners; and (iii) any employee of Broward County that has authority to  
18 make a final decision to select a vendor or provider in connection with a public  
19 procurement.

20 (e) "Immediate family member" means a parent, spouse, child, sibling, or  
21 registered domestic partner of a County employee.

22 (f) "Lobbying or Lobbying Activities" means a communication, by any means,  
23 from a lobbyist to a covered individual regarding any item that will foreseeably be  
24 decided by a final decision-making authority, which communication seeks to influence,

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1 convince or persuade the covered individual to support or oppose the item. Lobbying  
2 does not include communications:

- 3 1. Made on the record at a duly-noticed public meeting or hearing; or
- 4 2. From an attorney to an attorney representing Broward County regarding a  
5 pending or imminent judicial or adversarial administrative proceeding  
6 against Broward County.

7 (g) "Lobbyist" means a person who is retained, with or without compensation,  
8 for the purpose of lobbying; or a person who is employed by another person or entity,  
9 on a full-time or part-time basis, principally to lobby on behalf of that other person or  
10 entity. "Lobbyist" does not include a person who is:

- 11 1. An Elected Official, employee, or appointee of Broward County or of any  
12 municipality within Broward County communicating in his or her official  
13 capacity;
- 14 2. An individual who communicates on his or her own behalf, or on behalf of  
15 a person or entity employing the individual on a full-time or part-time basis,  
16 unless the individual is principally employed by that person or entity to  
17 lobby;
- 18 3. Any employee, officer, or board member of a homeowners' association,  
19 condominium association, or neighborhood association when addressing,  
20 in his or her capacity as an employee, officer, or board member of such  
21 association, an issue impacting the association or its members; or
- 22 4. Any employee, an officer, or a board member of a nonprofit public interest  
23 entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue  
24 impacting a constituent of that entity.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 Section 4. Section 1-261 of the Broward County Code of Ordinances, the  
2 definition section of the Broward County Lobbyist Registration Act, is hereby amended  
3 to read as follows:

4 As used in this article, unless the context otherwise indicates:

5 ...

6 (b) *Lobbying or Lobbying Activities* means a communication, by any means,  
7 from a lobbyist to a covered individual regarding any item that will foreseeably be  
8 decided by a final decision-making authority, which communication seeks to influence,  
9 convince, or persuade the covered individual to support or oppose the item. Lobbying  
10 does not include communications:

- 11 1. Made on the record at a duly-noticed public meeting or hearing; or
- 12 2. From an attorney to an attorney representing Broward County regarding a  
13 pending or imminent judicial or adversarial administrative proceeding  
14 against Broward County.

15 ...

16 (d) *Lobbyist* means a person who is retained, with or without compensation,  
17 for the purpose of lobbying; or a person who is employed by another person or entity,  
18 on a full-time or part-time basis, principally to lobby on behalf of that other person or  
19 entity. "Lobbyist" does not include a person who is:

- 20 1. An Elected Official, employee, or appointee of Broward County or of any  
21 municipality within Broward County communicating in his or her official  
22 capacity;
- 23 2. An individual who communicates on his or her own behalf, or on behalf of  
24 a person or entity employing the individual on a full-time or part-time basis,

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underscored type are additions.

1 unless the individual is principally employed by that person or entity to  
2 lobby;

3 3. An employee, officer, or board member of a homeowners' association,  
4 condominium association, or neighborhood association when addressing,  
5 in his or her capacity as an employee, officer, or board member of such  
6 association, an issue impacting the association or its members; or

7 4. An employee, officer, or board member of a nonprofit public interest entity  
8 (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a  
9 constituent of that entity.

10 . . .

11 (g) *Covered Individual* means (i) any member of the Board of County  
12 Commissioners; (ii) any member of a final decision-making body under the jurisdiction  
13 of the Board of County Commissioners; (iii) any member of a selection, evaluation, or  
14 procurement committee that ranks or makes recommendations to any final decision-  
15 making authority regarding a County procurement; (iv) any employee of Broward  
16 County that has authority to make a final decision regarding a public procurement; and  
17 (v) the head of any department, division, or office of Broward County who makes final  
18 recommendations to a final decision-making authority regarding items that will be  
19 decided by the final decision-making authority.

20 (h) *Final Decision-Making Authority* means (i) the Board of County  
21 Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of  
22 County Commissioners; and (iii) any employee of Broward County that has authority to  
23 make a final decision to select a vendor or provider in connection with a public  
24 procurement.

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underscored type are additions.

1 Section 5. SEVERABILITY.

2 If any portion of this Ordinance is determined by any Court to be invalid, the  
3 invalid portion shall be stricken, and such striking shall not affect the validity of the  
4 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion  
5 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),  
6 or circumstance(s), such determination shall not affect the applicability hereof to any  
7 other individual, group, entity, property, or circumstance.

8 Section 6. INCLUSION IN CODE.

9 It is the intention of the Board of County Commissioners that the provisions of  
10 this Ordinance shall become and be made a part of the Broward County Code; and that  
11 the sections of this Ordinance may be renumbered or relettered and the word  
12 "ordinance" may be changed to "section," "article," or such other appropriate word or  
13 phrase in order to accomplish such intentions.

14 Section 7. EFFECTIVE DATE.

15 This ordinance shall become effective as provided by law, except that no  
16 provision of this Ordinance shall be applicable to Municipal Officials until January 2,  
17 2012.

18 ENACTED October 11, 2011

19 FILED WITH THE DEPARTMENT OF STATE October 17, 2011

20 EFFECTIVE January 2, 2012

21  
22  
23  
24 AJM/mm  
10/12/11  
Municipal Officials Code of Ethics.doc  
11-421

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