

### Sec. 1-19. - Code of ethics for elected officials.

- (a) **Statement of Policy.** It is the policy of Broward County that the Board of County Commissioners work for the benefit of the citizens of the County and elected officials of municipalities work for the benefit of the citizens of their respective municipalities. County Commissioners and elected municipal officials shall not receive any personal economic or financial benefit resulting from their service on their local governing bodies beyond legally authorized direct compensation. It is the responsibility of each County Commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their services, and to avoid even the appearance or perception of impropriety.
- (b) **Definitions.** For purposes of this code of ethics (the "Broward County Elected Official Code of Ethics"):
- (1) "**Contractor**" means any person or entity having a contract with the applicable local governmental entity.
  - (2) "**Covered Individual**" means (i) any member of the Board of County Commissioners; (ii) any member of a governing body of any municipality within Broward County; (iii) any municipal mayor; (iv) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners or the governing body of any municipality within Broward County; (v) any individual directly appointed to a County or municipal employment position by the Board of County Commissioners, by a governing body of any municipality within Broward County, or by a municipal mayor; (vi) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (vii) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County or municipal procurement; (viii) any employee, any official, or any member of a committee of Broward County or of any municipality within Broward County that has authority to make a final decision regarding a public procurement; and (ix) the head of any department, division, or office of Broward County or of any municipal government who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority. For purposes of the prohibition on lobbying under section (c)(2) below, "Covered Individual" also includes members of other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.
  - (3) "**Elected Official**" means any member of the Board of County Commissioners and any Municipal Official as defined below.
  - (4) "**Filed for Public Inspection**" means that the form is completed legibly and is filed with the applicable governmental entity's chief administrative official or clerk, with a copy of the form or all information contained thereon inputted into the applicable governmental entity's database, which database shall be searchable by internet. For any municipality that does not maintain a website sufficient to meet the requirements of this paragraph, the form or information may be inputted into a database maintained by the Broward League of Cities, provided that database is searchable by internet.
  - (5) "**Final Decision-Making Authority**" means (i) the Board of County Commissioners; (ii) the governing body of any municipality within Broward County; (iii) municipal mayors; (iv) final decision-making bodies under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; and (v) any employee, official, or committee of Broward County or of any municipality within Broward County that has authority to make a final decision to select a vendor or provider in connection with a public procurement. For purposes of the prohibition of lobbying under section (c)(2) below, "Final Decision-Making Authority" also includes other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.
  - (6) "**Immediate Family Member**" means a parent, spouse, child, sibling, or registered domestic partner.
  - (7) "**Lobbying**" or "**Lobbying Activities**" means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications:
    - a. Made on the record at a duly-noticed public meeting or hearing; or
    - b. From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.
  - (8) "**Lobbyist**" means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
    - a. An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
    - b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
    - c.

- Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (9) "Municipal Official" means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County.
- (10) "Vendor" means an actual or potential supplier of any goods or services to the applicable local governmental entity.

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

- (c) Standards of Conduct. In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply to each Elected Official.
- (1) Acceptance of Gifts.
- a. Elected Officials, their spouses or registered domestic partners, their other relatives, and their County or municipal office staff, shall not accept gifts, directly or indirectly, regardless of value, from lobbyists registered with the governmental entity on whose behalf they (or their spouse, registered domestic partner, or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity.
- b. Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Florida Statutes Chapter 112, Part III, up to a maximum value of \$50.00 per occurrence. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*.
- c. The \$50.00 limitation does not apply to gifts given to Elected Officials in their personal (non-official) capacity. Such gifts are still subject to the reporting requirements of Florida Statutes section 112.3148.
- (2) Outside/Concurrent employment.
- a. Elected Officials shall not be employed as a lobbyist or engage in lobbying activities before any member of the governing body of the County or any municipality within Broward County, before any municipal mayor, or before any member of any other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions. This form of employment and activity is deemed to be in substantial conflict with the proper discharge of an Elected Official's duties in the public interest.
- b. Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with the provisions of Florida Statutes Chapter 112, Part III. All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Broward County Attorney's Office. The disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by Municipal Officials. The disclosure form must be filed for public inspection. To the extent complying with the disclosure requirement contained in this paragraph would violate any written agreement to which a Municipal Official is a party, the Municipal Official shall file, for public inspection, a statement, under oath, from the Municipal Official's employer or other person or entity paying such outside remuneration, specifying how such violation would result from the required disclosure. Upon filing such statement, the Municipal Official shall not be required to comply with that portion of the disclosure requirement that would result in a violation of the written agreement for the balance of the Municipal Official's current term of office as of the effective date of this Ordinance (such disclosure requirement shall apply in full upon commencement of a new term of office after the effective date hereof, even if such new term results from the re-election of a currently-serving Municipal Official).
- c. A spouse or registered domestic partner, immediate family members, and County or municipal office staff of an Elected Official shall not lobby any member of the governing body of the County or any municipality within Broward County, or before any municipal mayor, or before members of other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards and commissions, or otherwise conduct business as a vendor or contractor with the local governmental entity served by the Elected Official.
- d. The prohibitions on Municipal Officials, their spouses or registered domestic partners, and their immediate family members stated in paragraphs a. and c. above shall not apply for the balance of the Municipal Official's current term of office as of the effective date of this Ordinance. The prohibitions shall apply for any new term of office that begins after the effective date hereof, even if such new term results from a re-election of a currently-serving Municipal Official.
- (3) Lobbyists.
- a.

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

- 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.
    - 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 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 soliciting charitable contributions on behalf of that organization.
  - b. Campaign Contribution Fundraising.
    - 1. It is the intent of this Code to promote the full and complete transparency of campaign contributions received by Elected Officials, consistent with the disclosure requirements provided by state statute.
    - 2. Any campaign finance disclosure that an Elected Official must submit to the Supervisor of Elections, or to the appropriate municipal election official, in accordance with the provisions of Florida Statutes Chapter 106 shall, contemporaneously, be filed for public inspection.
    - 3. Elected Officials who solicit campaign contributions for other candidates for public office shall disclose, on a form created by the Broward County Attorney's Office, the name of the candidate for whom they are soliciting, the location and date of any associated event, and both the name and contribution amounts of any individual who provided contributions, directly or indirectly, to the Elected Official for subsequent delivery to the candidate. The form shall be filed for public inspection.
    - 4. An Elected Official may not use any staff or other resources of his or her governmental entity in the solicitation or receipt of campaign contributions.

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 would be inconsistent with such prohibitions. The prohibitions stated in the preceding paragraph shall also not apply to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body.
- (7) Financial Disclosure.
- a. Each County Commissioner, contemporaneously with the annual filing of the Form 6 Disclosure of Financial Interest with the State of Florida Commission on Ethics, shall file such form for public inspection. Each Municipal Official, contemporaneously with the annual filing of the Form 1 Statement of Financial Interests with the State of Florida Commission on Ethics, shall file such form for public inspection.
- (8) Advisory Opinions.
- a. Any Elected Official may request an advisory opinion about how the Broward County Elected Official Code of Ethics applies to his or her own situation. Requests for opinions from County Commissioners shall be made to the Broward County Attorney or to the County Attorney's designee. Requests for opinions from Municipal Officials shall be made to the municipality's chief attorney or to that attorney's designee. Requests for opinions shall be considered only if in writing and signed by the Elected Official or by his or her office staff. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion. If at any time after receipt of a request, the advising attorney believes that additional information is needed, the Elected Official requesting the opinion shall be notified and shall furnish such additional information.
- b. Until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for the advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's action may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements.
- (d) Training and Education.
- (1) New Elected Officials shall receive a minimum of four (4) hours of training from their governmental entity's attorney (or as directed by that attorney) on the topics of the Sunshine Law, public records, and public service ethics, and shall certify or acknowledge his or her participation in this training in a form filed with the entity's chief administrative official or clerk. Such training shall be completed within one hundred twenty (120) days after taking office. The four (4) hours of training shall count towards the eight (8) hour training referenced in the paragraph immediately below. Additional training for new Elected Officials offered by the Florida Association of Counties or the Florida League of Cities is strongly encouraged.
- (2) Each Elected Official shall, on an annual basis, attend or participate in a minimum of eight (8) hours of continuing education training on the topic of public service ethics. These programs may be available through regional universities, municipal or local government organizations, or the state or regional Bar associations. Each Elected Official shall annually certify or acknowledge that he or she has met this requirement in a form filed with the entity's chief administrative official or clerk.

(Ord. No. 2010-22, § 1, 8-10-10; Ord. No. 2011-19, § 1, 10-11-11)

Editor's note—

Section 7 of Ord. No. 2011-19, enacted Oct. 11, 2011, which amended former § 1-19 in its entirety, provided that no provisions of said ordinance shall be applicable to Municipal Officials until Jan. 2, 2012.