

PROPOSED

ORDINANCE NO. 2010-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE CODE OF ETHICS; AMENDING SUBSECTION 1-19(b)(1) OF THE BROWARD COUNTY CODE OF ORDINANCES, TO ALLOW COUNTY COMMISSIONERS TO ACCEPT ACCOMMODATIONS PROVIDED FOR OR ARRANGED BY PROFESSIONAL ORGANIZATIONS SUCH AS NACo AND FAC TO ATTEND OR PARTICIPATE IN OFFICIAL FUNCTIONS OR EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Ilene Lieberman)

WHEREAS, Broward County Commissioners are members and participants in state, regional, national, and international organizations, including the National Association of Counties (NACo) and the Florida Association of Counties (FAC), which promote the exchange of information, the professional development of elected public officials, and the interests of counties including Broward County; and

WHEREAS, this membership and participation is an integral part of a Commissioner's duties as a public officer on behalf of Broward County; and

WHEREAS, these organizations commonly provide and pay, or arrange for the provision and payment, for accommodations, including transportation, lodging, and meals, for individual County Commissioners to attend official functions and events, thereby saving Broward County the cost or potential cost of such attendance; and

WHEREAS, the Broward County Code of Ethics restricts gifts that may be accepted by a County Commissioner, from all allowable sources, to a maximum value of Fifty Dollars (\$50.00); and

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1 WHEREAS, to ensure that County Commissioners may continue to participate in
2 organizations such as NACo and FAC, yet remain in compliance with the Code of Ethics
3 and the gift reporting requirements of Chapter 112, Part III, Florida Statutes, it is
4 necessary to amend the Code of Ethics ordinance to allow Commissioners to accept
5 any such accommodations provided or arranged by these organizations in connection
6 with attendance at official functions or events.

7 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
8 BROWARD COUNTY, FLORIDA:

9 Section 1. Subsection 1-19(b)(1) of the Broward County Code of Ordinances
10 is hereby amended to read as follows:

11 Sec. 1-19. Code of Ethics for the Broward County Commission.

12 ...

13 (b) Standards of Conduct.

14 ...

15 (1) Acceptance of Gifts.

16 a. County Commissioners, their spouses or registered domestic
17 partners, other relatives and office staff, shall not accept gifts,
18 directly or indirectly, regardless of value, from lobbyists registered
19 with the County or any principal or employer of any such registered
20 lobbyist, or from vendors or contractors of Broward County.

21 b. County Commissioners may accept gifts from other sources given
22 to them in their official capacity, where not otherwise inconsistent
23 with the provisions of Florida Statutes Chapter 112, Part III, up to a
24 maximum value of \$50.00 per occurrence. Gifts given to a County

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1 Commissioner in his or her official capacity up to \$50.00 in value
2 are deemed to be *de minimis*. The above restrictions and
3 limitations do not apply to gifts given to County Commissioners in
4 their personal (non-official) capacity, and such gifts are still subject
5 to the reporting requirements of Florida Statutes section 112. 3148.

6 c. Notwithstanding any prohibition or restriction set forth above, a
7 County Commissioner may receive and accept accommodations,
8 including transportation, lodging, and meals, provided to
9 Commissioners by state, regional, national, or international
10 organizations which promote the exchange of information or the
11 professional development of elected public officials, such as the
12 National Association of Counties (NACo) and the Florida
13 Association of Counties (FAC), in connection with their attendance
14 at events and functions sponsored by such organizations, whether
15 such accommodations are paid for directly by the organizations or
16 otherwise arranged by the organizations. Nothing contained in this
17 paragraph shall be deemed to modify any reporting or disclosure
18 requirement under the Code of Ethics or applicable law.

19 Section 2. SEVERABILITY.

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

3 Section 3. INCLUSION IN CODE.

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

9 Section 4. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law and shall be deemed
11 to modify the provisions of Section 1-19 which became effective upon filing on
12 August 16, 2010. The provisions of this Ordinance shall be applied retroactive to that
13 date.

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15 ENACTED

16 FILED WITH THE DEPARTMENT OF STATE

17 EFFECTIVE

PROPOSED

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23 RLT/mm
08/25/10
Code of Ethics – Amend Gifts Ord.doc
24 #10-404

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