

PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 1. GENERAL PROVISIONS

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[Sec. 1-233. Terms of appointees to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces: quorum.](#)

[Sec. 1-234. Voting conflicts for members of county boards, authorities and commissions.](#)

[Secs. 1-235—1-243. Reserved.](#)

Sec. 1-233. Terms of appointees to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

All appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (collectively, "advisory boards"), and all appointments to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements (collectively, "other boards"), shall be subject to the following requirements except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory or other boards:

- (a) (1) A fixed-term appointment shall expire on the last day of the fixed term unless the appointee is removed for cause under applicable law.
- (2) If the appointment is not for a fixed term, the appointee shall serve until:
 - a. He or she is removed by the appointing/nominating Commissioner or other appointing/nominating authority; or
 - b. The sooner of 1. or 2. below:
 - 1. A successor is appointed, or the incumbent appointee is reappointed, by a newly-elected or newly-appointed Commissioner; or
 - 2. Six (6) months after the official date on which a newly-elected or newly-appointed Commissioner enters office.

If a newly-elected or newly-appointed Commissioner fails to appoint a successor, or reappoint the incumbent appointee, within six (6) months of entering office, the County Administrator or his or her designee shall notify the appointee of the expiration of his or her term, and the board seat shall remain vacant until filled.

- (3) Best efforts shall be employed to ensure that the membership of all advisory and other boards will fairly represent the diverse population and demographics of the County.
- (4) The provisions of this subsections shall be applied prospectively.
- (b) (1) A person appointed to an advisory or other board, shall be a resident of Broward County and shall maintain residency in Broward County during the term of appointment.
- (2) No person may be appointed by the Broward County Commission to more than one (1) advisory or other board, except that an elected County or municipal officer appointed in an official capacity may serve on more than one (1) advisory or other board to which at least one (1) such elected official is required to be appointed. In addition to serving in an official capacity, an elected County or municipal officer may serve on one (1) advisory board in an

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PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 1. GENERAL PROVISIONS

individual capacity so long as such appointment does not otherwise violate the dual-office holding provision of the Florida Constitution.

- (3) A County employee may serve as a voting member on an advisory or other board, as long as he or she is appointed by a body other than the County Commission. No County employee shall be appointed by a County Commissioner to a board.
- (c) Any advisory or other board appointee who fails to meet the requirements of his or her appointment of including residency if required to live in the district, is automatically disqualified and his or her appointment shall immediately cease and be deemed vacant.
- (d) (1) Advisory and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.

~~(2) Special Meetings. Notwithstanding any other law, regulation, or policy to the contrary, the power of an advisory board to call a special meeting shall be addressed in its bylaws and must be consistent with this paragraph. Special meetings may be called by an advisory board's chair, or upon the vote of not less than a majority of the appointed members of the advisory board, at a regularly scheduled meeting of the board. A special meeting may only be called to consider a significantly important item that must be dealt with before the next regularly scheduled meeting. Special meetings shall not be called to address quasi-judicial matters, matters not otherwise presenting a significant fiscal or operational impact upon the County, or the request for, or preparation of, letters, proclamations, resolutions, or changes to an advisory board's enabling legislation. Notice of the special meeting shall provide the date, time, and location of the special meeting, along with the specific agenda items the advisory board is to consider at the meeting. No agenda item shall be considered at a special meeting that was not otherwise included in the originating meeting notice. No advisory board may hold more than two special meetings in any calendar year.~~

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(e) Removal from boards based upon attendance: When an advisory board, or other board whose enabling enactment or bylaws adopt the attendance requirements of this subsection, meets on a quarterly or less frequent basis, an appointee shall be automatically removed as a member if he or she has two (2) consecutive unexcused absences or misses two (2) properly-noticed meetings in one (1) calendar year because of unexcused absences. If any such board meets more frequently than quarterly, an appointee shall be automatically removed as a member if he or she has three (3) consecutive unexcused absences or misses four (4) properly-noticed meetings in one (1) calendar year because of unexcused absences.

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- (1) The automatic removal of an appointee is deemed effective when written notice of the reason for the removal has been sent by the County Administrator or his or her designee to the appointee.
- (2) The automatic removal provisions of this subsection do not apply to Water Advisory Board members appointed by non-County entities, or to members of the HIV Health Services Planning Council whose absences are related to the members' HIV status.
- (3) The absence of an advisory or other board member shall be deemed excused under the following circumstances:
 - a. When the member is performing an authorized alternative activity relating to outside board business that directly conflicts with the properly-noticed meeting;
 - b. The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, or

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PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 1. GENERAL PROVISIONS

stepchild domiciled in the member's household, grandparent, grandchild, and guardian or custodian;

- c. The death of a member's domestic partner; or the domestic partner's child, stepchild, grandparent, or grandchild;
- d. The member's hospitalization, or other life-saving or life sustaining form of medical treatment;
- e. When the member is summoned to jury duty; or
- f. When the member is issued a subpoena, or other official request to appear by a court of competent jurisdiction in which the member is a party.

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(4) Attendance records for appointees to advisory boards, and attendance records for appointees to other boards whose enabling enactments or by-laws adopt the attendance requirements of this subsection, shall be submitted by the board coordinators to the County Administrator or his or her designee within two (2) weeks after each meeting to determine attendance compliance. Such appointees shall notify the board coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting, unless the occurrence of an event specified in Subsections (e)(3)b.—d. makes such notice impracticable. This notification requirement is imposed to allow sufficient time for cancellation of the meeting if it is determined that no quorum will be present at the meeting. Failure to notify the board coordinator two (2) business days prior to the scheduled meeting shall be considered an absence where such failure results in the meeting being cancelled for lack of a quorum. All members attending the meeting (either in person or through teleconference when permitted) will be marked as present. Appointees who have notified the board coordinator that they cannot attend the meeting will be considered absent even if the meeting is cancelled due to lack of a quorum. The chair of the board, shall, in his or her discretion, determine whether the appointee's absence meets any of the criteria for an excused absence set forth in this subsection.

(5) If an appointee is automatically removed under this subsection for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the appointee when extenuating circumstances, as determined by the appointing/nominating authority, are found to exist for the appointee's absences.

- (f) To ensure that members of advisory and other boards do not have to choose between attending meetings or observing religious holidays, members may request that meetings not be scheduled on religious holidays, and the chairs of such boards must honor those requests.
- (g) The number of members needed to constitute a quorum on any advisory or other board shall be a majority of the total appointed board members. Once a quorum has been established by members who are physically present at a meeting, members who are not physically present may attend and participate in such meeting by telephone.
- (h) Following notification of the occurrence of a vacancy on any advisory or other board due to any reason whatsoever, the County Administrator or his or her designee shall follow the procedures set forth in the Broward County Administrative Code relating to said vacancy.
- (i) Advisory boards created by resolution rather than ordinance may continue to be amended by resolution.

(Ord. No. 79-36, § 1, 6-20-79; Ord. No. 89-19, § 1, 5-9-89; Ord. No. 92-4, § 1, 3-10-92; Ord. No. 92-13, § 1, 5-12-92; Ord. No. 92-46, § 1, 11-10-92; Ord. No. 95-18, § 1, 4-11-95; Ord. No. 1999-06, § 1,

PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 1. GENERAL PROVISIONS

2-23-99; Ord. No. 2001-01, § 1, 1-9-01; Ord. No. 2001-10, § 1, 3-27-01; Ord. No. 2002-10, § 1, 3-18-02; Ord. No. 2003-21, § 1, 6-10-03; Ord. No. 2005-01, § 1, 1-11-05; Ord. No. 2005-16, § 1, 6-28-05; Ord. No. 2006-17, § 1, 6-13-06; Ord. No. 2008-36, § 1, 9-9-08; Ord. No. 2009-39, § 1, 6-23-09; Ord. No. 2012-30, § 1, 10-23-12; Ord. No. 2014-08, § 1, 2-25-14)

Sec. 1-234. Voting conflicts for members of county boards, authorities and commissions.

- (a) The Board of County Commissioners hereby finds and determines that there is an appearance of a conflict of interest within the intent of § 286.012, F.S. where a member of a county commission-created board, commission, or authority, also serves as an employee of a public entity, or as an officer or member of the board of directors of a private entity, which stands to specially gain or lose from action to be taken by the county board on which he or she serves.
- (b) In order to preserve the public's confidence in the fairness and objectivity of the County's boards and to avoid conflicts of interest, it is the policy of the Board of County Commissioners that members of such boards abstain from participation in discussion and voting on matters which would enure to the special gain or loss of any private entity for which they serve as an officer or member of its board of directors, or of any public entity for which they serve as an employee. Compliance with this policy shall be a condition of all board members' continued membership. Violation shall subject the board member to immediate removal by the Board of County Commissioners notwithstanding that the member may have been appointed by an appointing authority other than the Board of County Commissioners.
- (c) A special gain or loss means an economic benefit, either immediate or future, tangible or intangible, which is not merely remote or speculative, and which affects a relatively limited class of people.
- (d) The term "employee" for the purposes of this section shall not include any elected official of a public entity.
- (e) The voting conflict provision set forth in subsection (b) shall not apply to municipal employee members of the Committee for Community Development when voting on Community Development Block Grant Program Funds.
- (f) Procedures for implementation of this section shall be adopted by resolution of the Board of County Commissioners.

(Ord. No. 1997-44, § 1, 10-28-97; Ord. No. 1998-12, § 1, 5-12-98; Ord. No. 1999-47, § 1, 8-31-99)

Secs. 1-235—1-243. Reserved.

PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 2. SUNSET REGULATIONS

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[Sec. 1-244. Title.](#)

[Sec. 1-245. Findings of fact.](#)

[Sec. 1-246. Review by commission prior to abolishment.](#)

[Sec. 1-247. Review procedures, criteria.](#)

[Secs. 1-248—1-259. Reserved.](#)

Sec. 1-244. Title.

This division shall be known and may be cited as the "Sunset Ordinance."

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-245. Findings of fact.

The Broward County Board of County Commissioners (hereinafter referred to as the "commission") finds it to be in the public interest to systematically and periodically review the need for and the benefits derived from regulatory, adjustment and advisory boards, development authorities, redevelopment authorities, and agencies (hereinafter referred to as "boards, authorities and agencies"), which have been created or which may in the future be created under authority of the Charter.

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-246. Review by commission prior to abolishment.

Prior to the abolishment of any boards, authorities and agencies, the commission shall review said boards, authorities and agencies to determine which, if any, should be abolished in the public interest.

(Ord. No. 84-29, § 1, 4-19-84)

Sec. 1-247. Review procedures, criteria.

The commission shall establish the criteria and the procedures for the review required by this division.

(Ord. No. 84-29, § 1, 4-19-84)

Secs. 1-248—1-259. Reserved.

FOOTNOTE(S):

PART II - CODE OF ORDINANCES
Chapter 1 - ADMINISTRATION
ARTICLE XII. - BOARDS, AUTHORITIES AND AGENCIES GENERALLY

DIVISION 2. SUNSET REGULATIONS

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Editor's note— Section 1 of Ord. No. 84-29, adopted Apr. 19, 1984, effective May 1, 1984, amended div. 2 to read as set forth in §§ 1-244—1-247. Formerly, the division had consisted of §§ 1-244—1-249 and was derived from § 1 of Ord. No. 79-23, adopted Apr. 18, 1979, and § 1, of Ord. No. 80-65, adopted Aug. 20, 1980. The following list contains the number of ordinances implementing this division, i.e. ordinances which reestablish or abolish specific boards, authorities and agencies: [\(Back\)](#)

Ord. No.	Date
80-66	8-20-80
84-30	4-19-84