## **PROPOSED**

1	ORDINANCE NO. 2018-			
2	AN ORDINANCE OF THE BOARD OF COUNTY			
3	COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CODE OF ETHICS FOR ELECTED OFFICIAL S. AND THE PROMARD, COUNTY EMPLOYER			
4	OFFICIALS AND THE BROWARD COUNTY EMPLOYEE CODE OF ETHICS ACT; AMENDING SECTIONS 1-19 AND			
5	26-73 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO PROVIDE THAT			
6	PARTICIPATION IN PUBLIC SERVICE ANNOUNCEMENTS BY INDIVIDUALS COVERED BY THOSE SECTIONS SHALL NOT BE CONSIDERED THE RECEIPT OF AN IMPROPER			
7	NOT BE CONSIDERED THE RECEIPT OF AN IMPROPER GIFT UNDER THE CODE; AND PROVIDING FOR			
8	SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.			
9	(Sponsored by the Board of County Commissioners)			
10				
11	WHEREAS, Section 1-19(c)(1) of the Broward County Code of Ordinances			
12	("Code"), as applicable hereto, provides that Elected Officials, with limited exceptions			
13	may not accept a gift with a value in excess of \$5.00 from a registered lobbyist, a principa			
14	or employer of a registered lobbyist, a vendor, or a contractor, as defined therein			
15	(collectively "Vendors and Lobbyists"); and			
16	WHEREAS, Section 1-19(c)(1) of the Code provides that Elected Officials, in their			
17	official capacity, may not accept a gift with a value in excess of \$50.00 from donors other			
18	than Vendors and Lobbyists; and			
19	WHEREAS, Section 26-73(a)(1) of the Code generally provides that County			
20	employees shall not solicit or accept any gift, regardless of value, in their official capacity			
21	as employees; and			
22	WHEREAS, the Florida Commission on Ethics has issued opinions finding that			
23	participation in public service announcements (PSAs) can be considered gifts bestowing			
24	publicity on the participant; and			
	Coding: Words in struck-through type are deletions from existing text. Words in underscored type are additions.			

WHEREAS, PSAs are an efficient way to reach a large audience and raise awareness of important issues; and

WHEREAS, currently, Elected Officials and County employees are permitted to participate in PSAs that are paid for and published or broadcast by the County, subject to filing any required state disclosures of gifts; and

WHEREAS, because of current limitations contained in the Code, Elected Officials and County employees may not be permitted to participate in PSAs published or broadcast, for example, on websites maintained by municipalities within Broward County, despite the fact that the PSAs would provide valuable information to residents throughout the County; and

WHEREAS, the Board of County Commissioners ("Board") believes that it is in the public's best interest for Elected Officials and designated County employees to have the opportunity to participate in PSAs so long as their participation is not prohibited under Florida law; and

WHEREAS, Florida law does not generally impose a limit on an Elected Official's or employee's participation in PSAs paid for, published, or broadcast by individuals or entities that are not Vendors or Lobbyists; and

WHEREAS, the Code amendments contained in this Ordinance will enable Elected Officials and County employees to participate in PSAs that provide great public benefit, subject to the disclosure requirements and other prohibitions under Florida law,

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

Coding:

1	Section 1.	Section 1-19 of the Broward County Code of Ordinances is hereby
2	amended to read a	s follows:
3	Sec. 1-19.	Code of ethics for elected officials.
4		
5	(c) Stand	dards of Conduct. In additional to the provisions of Chapter 112, Part
6	III, FI	orida Statutes, Code of Ethics for Public Officers and Employees;
7	Chap	ters 838 and 839, Florida Statutes; Title 18, Chapter 63 of the United
8	State	s Code; and Chapter 26, Article V of the Broward County Code of
9	Ordin	ances, sec. 26-27 et seq., the following Standards of Conduct shall
10	apply	to each Elected Official.
11	(1) Acce	otance of Gifts.
12		
13	<u>d.</u>	Notwithstanding the foregoing, to the extent not prohibited by Florida
14		law and subject to the reporting requirements of Section 112.3148,
15		Florida Statutes, nothing in this section shall prohibit Elected Officials
16		from participating in any public service announcement.
17	<del>d.</del> <u>e.</u>	When not otherwise permitted by this part (c)(1), "Acceptance of
18		Gifts," the following items may be accepted to the full extent
19		permissible under state law:
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21		
22	Section 2.	Section 26-73 of the Broward County Code of Ordinances is hereby
23	amended to read as follows:	
24	Sec. 26-73.	Code of Ethics.
	Coding:	Words in struck-through type are deletions from existing text. Words in underscored type are additions.

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(a) Solicitation or Acceptance of Gifts.

. . .

(5) Notwithstanding the prohibition contained in paragraph (1), to the extent not prohibited by Florida law and subject to the reporting requirements of Section 112.3148, Florida Statutes, nothing in this section shall prohibit employees from participating in any public service announcement.

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## Section 3. SEVERABILITY.

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

## Section 4. INCLUSION IN CODE.

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

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1	Section 5. <u>EFFECTIVE DATE</u> .		
2	This Ordinance shall become effective as provided by law.		
3			
4	ENACTED		
5	FILED WITH THE DEPARTMENT OF STATE		
6	EFFECTIVE		
7			
8	Approved as to form and legal sufficiency: Andrew J. Meyers, County Attorney		
9			
10	By <u>/s/ Neil K. Sharma</u> 02/15/18		
11	Neil K. Sharma (date) Assistant County Attorney  PROPOSED		
12	· · · I INOI OOLD		
13	By <u>/s/ Rocio Blanco Garcia 02/15/18</u> Rocio Blanco Garcia (date)		
14	Assistant County Attorney		
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24	02/15/18 Section 1-19 Ordinance.doc #272889		
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