

PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CODE OF ETHICS FOR ELECTED OFFICIALS AND THE BROWARD COUNTY EMPLOYEE CODE OF ETHICS ACT; AMENDING SECTIONS 1-19 AND 26-73 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO PROVIDE THAT PARTICIPATION IN PUBLIC SERVICE ANNOUNCEMENTS BY INDIVIDUALS COVERED BY THOSE SECTIONS SHALL NOT BE CONSIDERED THE RECEIPT OF AN IMPROPER GIFT UNDER THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 1-19(c)(1) of the Broward County Code of Ordinances ("Code"), as applicable hereto, provides that Elected Officials, with limited exceptions, may not accept a gift with a value in excess of \$5.00 from a registered lobbyist, a principal or employer of a registered lobbyist, a vendor, or a contractor, as defined therein (collectively "Vendors and Lobbyists"); and

WHEREAS, Section 1-19(c)(1) of the Code provides that Elected Officials, in their official capacity, may not accept a gift with a value in excess of \$50.00 from donors other than Vendors and Lobbyists; and

WHEREAS, Section 26-73(a)(1) of the Code generally provides that County employees shall not solicit or accept any gift, regardless of value, in their official capacity as employees; and

WHEREAS, the Florida Commission on Ethics has issued opinions finding that participation in public service announcements (PSAs) can be considered gifts bestowing publicity on the participant; and

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

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

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

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

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

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

21
22 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
23 BROWARD COUNTY, FLORIDA:
24

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underscored type are additions.

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

3 **Sec. 1-19. Code of ethics for elected officials.**

4 . . .

5 (c) *Standards of Conduct.* In additional to the provisions of Chapter 112, Part
6 III, Florida Statutes, Code of Ethics for Public Officers and Employees;
7 Chapters 838 and 839, Florida Statutes; Title 18, Chapter 63 of the United
8 States Code; and Chapter 26, Article V of the Broward County Code of
9 Ordinances, sec. 26-27 et seq., the following Standards of Conduct shall
10 apply to each Elected Official.

11 (1) *Acceptance of Gifts.*

12 . . .

13 d. 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 ~~d.~~ e. 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:

20 . . .

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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.**

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1 (a) Solicitation or Acceptance of Gifts.

2 . . .

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

7 . . .

8
9 Section 3. SEVERABILITY.

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

16
17 Section 4. INCLUSION IN CODE.

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

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Section 5. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Neil K. Sharma 02/15/18
Neil K. Sharma (date)
Assistant County Attorney

PROPOSED

By /s/ Rocio Blanco Garcia 02/15/18
Rocio Blanco Garcia (date)
Assistant County Attorney

NKS/ab
02/15/18
Section 1-19 Ordinance.doc
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