

ITEM #72₍₂₎
(Proposed Amendments to Ordinance).

ADDITIONAL MATERIAL
10:00 a.m. Regular Meeting

MAY 7, 2019

SUBMITTED AT THE REQUEST OF

VICE-MAYOR DALE V.C. HOLNESS

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 addition to the provisions of Chapter 112, Part III,
6 Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and
7 839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26,
8 Article V of the Broward County Code of Ordinances, ~~see. Section~~ 26-67 et seq., the
9 following Standards of Conduct shall apply to each Elected Official.

10 (1) *Acceptance of Gifts.*

11 ...

12 (5) *Solicitation and Receipt of Contributions.*

13 a. Charitable Contribution ~~Fundraising~~ Solicitation.

14 1. The solicitation of funds, goods, or services by an Elected
15 Official ~~for a nonprofit charitable organization, as defined~~
16 ~~under the Internal Revenue Code, to assist charitable~~
17 organizations, nonprofit entities, or individuals in need
18 ("charitable solicitation") is permissible under this Code so
19 long as such solicitation serves a valid public purpose and
20 there is no quid pro quo or other special consideration,
21 including any direct or indirect benefit between the parties to
22 the solicitation. Social media posts, newsletters, and
23 statements at a publicly noticed meeting that merely reference
24 or promote a charitable cause or event are not considered

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1 charitable solicitations within the scope of this subsection,
2 provided that the Elected Official does not expressly request
3 that specific, identifiable individuals or entities donate to the
4 particular cause or event.

5 2. ~~To promote the full and complete transparency of any such~~
6 ~~solicitation, an Elected Official shall disclose, on a form~~
7 ~~created by the Office of the County Attorney, the name of the~~
8 ~~charitable organization, the event for which the funds were~~
9 ~~solicited, and the name of any individual or entity that~~
10 ~~requested that the Elected Official engage in the charitable~~
11 ~~fundraising solicitation. The form shall be filed for public~~
12 ~~inspection within fifteen (15) days after the solicitation of funds~~
13 ~~by the Elected Official.~~

14 3. 2. ~~An Elected Official may not use staff or other resources of~~
15 ~~directly assigned to the Official and his or her governmental~~
16 ~~entity in the solicitation of charitable contributions entity's~~
17 ~~e-mail and telephone systems and other resources that do not~~
18 ~~require the affirmative expenditure of public funds~~
19 ~~(collectively, "in-kind resources") when engaging in such~~
20 ~~solicitation. Approval by the Elected Official's governmental~~
21 ~~entity is required only where the charitable solicitation~~
22 ~~involves the affirmative expenditure of public funds through~~
23 ~~the use of resources other than in-kind resources.~~

1 3. To promote the full and complete transparency of any
2 charitable solicitation, an Elected Official must disclose, on a
3 form created by the Office of the County Attorney, the name
4 of the intended direct recipient(s) of the proceeds of the
5 charitable solicitation, the cause or event for which the funds
6 or donations were solicited, if any, and the name of any
7 individual or entity that requested that the Elected Official
8 engage in the charitable solicitation. The form must be filed
9 for public inspection within fifteen (15) days after the Elected
10 Official (or his or her staff, as applicable) engages in charitable
11 solicitation. The disclosure requirements set forth in this
12 subsection do not apply where the Elected Official's charitable
13 solicitation has been previously approved by the Elected
14 Official's governmental entity.

15 ~~4.~~ ~~The requirements and prohibitions of this subpart shall not~~
16 ~~apply to actions of an Elected Official in connection with~~
17 ~~charities or fundraising events formally approved by the~~
18 ~~official's governmental entity.~~

19 ~~5.~~ 4. Salary received by ~~a Municipal Official~~ an Elected Official from
20 a nonprofit charitable organization employing the ~~Municipal~~
21 ~~Official shall not be~~ Elected Official is not considered a quid
22 pro quo or other special consideration for purposes of
23 paragraph 1 above. Additionally, the disclosure requirement
24 contained in paragraph ~~2~~ 3 above ~~shall~~ does not apply to