

# PROPOSED

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CODE OF ETHICS FOR ELECTED OFFICIALS; AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”) TO CLARIFY THE SCOPE OF, AND OTHERWISE MODIFY, SECTION 1-19(C)(5) OF THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Michael Udine)

WHEREAS, the Florida Code of Ethics sets standards of conduct for public officers and employees, including County Commissioners;

WHEREAS, Section 112.326, Florida Statutes, empowers county commissions to impose more stringent ethical standards than are provided under the Florida Code of Ethics;

WHEREAS, the County’s Code of Ethics for Elected Officials (“County Ethics Code”) imposes numerous more stringent ethical standards, including restrictions on and disclosure requirements in connection with the solicitation of charitable contributions; and

WHEREAS, the Board of County Commissioners (“Board”) finds that these restrictions and disclosure requirements relating to solicitation of charitable contributions are unclear, and that modifying them as provided below would strengthen the County Ethics Code including by clearly alerting those charged with compliance therewith to the code’s requirements and proscriptions,

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

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.

- 14 1. As used in this section, charitable contribution fundraising is  
15 the act of calling, e-mailing, sending other written  
16 correspondence, or otherwise directly contacting a specific  
17 individual or entity to request that the individual or entity  
18 contribute toward a charitable cause or event, irrespective of  
19 whether such cause or event directly benefits a nonprofit  
20 charitable organization as defined under the Internal Revenue  
21 Code. Charitable contribution fundraising does not include  
22 social media postings or statements at a publicly noticed  
23 meeting that merely reference or promote a charitable cause  
24 or event, provided the Elected Official does not expressly

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1 request that specific, identifiable individuals or entities donate  
2 to the cause or event and further provided that, where social  
3 media is used, the social media page does not have as its  
4 primary purpose the posting or advertising of charitable  
5 causes or events.

6 4. 2. ~~The solicitation of funds~~ Charitable contribution fundraising by  
7 an Elected Official for a nonprofit charitable organization, as  
8 defined under the Internal Revenue Code, is permissible so  
9 long as there is no quid pro quo or other special consideration,  
10 including any direct or indirect benefit between the parties to  
11 the solicitation Elected Official and the party on whose behalf  
12 the Elected Official is engaging in charitable contribution  
13 fundraising.

14 2. ~~To promote the full and complete transparency of any such~~  
15 ~~solicitation, an Elected Official shall disclose, on a form~~  
16 ~~created by the Office of the County Attorney, the name of the~~  
17 ~~charitable organization, the event for which the funds were~~  
18 ~~solicited, and the name of any individual or entity that~~  
19 ~~requested that the Elected Official engage in the charitable~~  
20 ~~fundraising solicitation. The form shall be filed for public~~  
21 ~~inspection within fifteen (15) days after the solicitation of funds~~  
22 ~~by the Elected Official.~~

23 3. An Elected Official may not use staff or other resources of his  
24 or her governmental entity ~~in the solicitation of charitable~~

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1                    ~~contributions~~ when engaging in charitable contribution  
2                    fundraising.

3                    4. To promote the full and complete transparency of any  
4                    charitable contribution fundraising, an Elected Official must  
5                    disclose, on a form created by the Office of the County  
6                    Attorney, the name of the intended direct recipient(s) of the  
7                    proceeds of the charitable contribution fundraising, the cause  
8                    or event for which the funds were solicited, if any, and the  
9                    name of any individual or entity that requested that the Elected  
10                   Official engage in the charitable contribution fundraising. The  
11                   Elected Official must file the form for public inspection within  
12                   fifteen (15) days after the Elected Official engages in the  
13                   charitable contribution fundraising.

14                   4. 5.        The requirements and prohibitions of this subpart ~~shall~~ do not  
15                   apply to actions of an Elected Official in connection with  
16                   ~~charities or fundraising events~~ charitable contribution  
17                   fundraising where the individual or organization intended to  
18                   directly receive the charitable donation is identified in a  
19                   publicly noticed meeting of the Elected Official's governmental  
20                   entity and where the fundraising on behalf of that individual or  
21                   organization, or in connection with a charitable fundraising  
22                   event, has been formally approved by the official's  
23                   governmental entity.

24                   5. 6.        ...

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1 Section 2. Severability.

2 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
3 portion will be stricken, and such striking will not affect the validity of the remainder of this  
4 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
5 legally applied to any individual, group, entity, property, or circumstance, such  
6 determination will not affect the applicability of this Ordinance to any other individual,  
7 group, entity, property, or circumstance.

8 Section 3. Inclusion in the Broward County Code of Ordinances.

9 It is the intention of the Board of County Commissioners that the provisions of this  
10 Ordinance become part of the Broward County Code of Ordinances as of the effective  
11 date. The sections of this Ordinance may be renumbered or relettered and the word  
12 "ordinance" may be changed to "section," "article," or such other appropriate word or  
13 phrase to the extent necessary in order to accomplish such intention.

14 Section 4. Effective Date.

15 This Ordinance is effective as of the date provided by law.

**PROPOSED**

17 ENACTED

18 FILED WITH THE DEPARTMENT OF STATE

19 EFFECTIVE

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

22 By /s/ Rocio Blanco Garcia 04/25/19  
23 Rocio Blanco Garcia (date)  
24 Assistant County Attorney

RBG/mm  
Code of Ethics for Elected Officials Ordinance (Udine)  
04/25/19  
#99260-0010

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