

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 the Board of County Commissioners)

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~~ 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.

23 2. ~~To promote the full and complete transparency of any such~~
24 ~~solicitation, an Elected Official shall disclose, on a form~~

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

1 created by the Office of the County Attorney, the name of the
2 charitable organization, the event for which the funds were
3 solicited, and the name of any individual or entity that
4 requested that the Elected Official engage in the charitable
5 fundraising solicitation. The form shall be filed for public
6 inspection within fifteen (15) days after the solicitation of funds
7 by the Elected Official.

8 3. 2. An Elected Official may not use staff or other resources of
9 directly assigned to the Official and his or her governmental
10 entity in the solicitation of charitable contributions entity's
11 e-mail and telephone systems and other resources that do not
12 require the affirmative expenditure of public funds
13 (collectively, "in-kind resources") when engaging in such
14 solicitation. Approval by the Elected Official's governmental
15 entity is required only where the charitable solicitation
16 involves the affirmative expenditure of public funds through
17 the use of resources other than in-kind resources.

18 3. To promote the full and complete transparency of any
19 charitable solicitation, an Elected Official must disclose, on a
20 form created by the Office of the County Attorney, the name
21 of the intended direct recipient(s) of the proceeds of the
22 charitable solicitation, the cause or event for which the funds
23 or donations were solicited, if any, and the name of any
24 individual or entity that requested that the Elected Official

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

1 engage in the charitable solicitation. The form must be filed
2 for public inspection within fifteen (15) days after the Elected
3 Official (or his or her staff, as applicable) engages in charitable
4 solicitation.

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

9 ~~5. 4.~~ Salary received by a Municipal Official an Elected Official from
10 a nonprofit charitable organization employing the Municipal
11 Official shall not be Elected Official is not considered a quid
12 pro quo or other special consideration for purposes of
13 paragraph 1 above. Additionally, the disclosure requirement
14 contained in paragraph ~~2~~ 3 above ~~shall~~ does not apply to
15 ~~Municipal Officials~~ Elected Officials who are employed by a
16 nonprofit charitable organization when soliciting charitable
17 contributions on behalf of that organization.

18 ...

19 Section 2. Severability.

20 If any portion of this Ordinance is determined by any court to be invalid, the invalid
21 portion will be stricken, and such striking will not affect the validity of the remainder of this
22 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
23 legally applied to any individual, group, entity, property, or circumstance, such

24
Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscoring type are additions.

1 determination will not affect the applicability of this Ordinance to any other individual,
2 group, entity, property, or circumstance.

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

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

9 Section 4. Effective Date.

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

11

12

PROPOSED

13

ENACTED

14

FILED WITH THE DEPARTMENT OF STATE

15

EFFECTIVE

16

17

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

18

19

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

20

21

22

23

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

24

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