

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:

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

- 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, newsletters, or statements at a publicly
23 noticed meeting that merely reference or promote a charitable
24 cause or event, provided the Elected Official does not

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

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 05/08/19
23 Rocio Blanco Garcia (date)
24 Assistant County Attorney

RBG/mm
Code of Ethics for Elected Officials Ordinance (Udine)
05/08/19
#99260-0010

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