

**BROWARD COUNTY
CODE**

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

(a) *Statement of Policy.* It is the policy of Broward County that the Board of County Commissioners work for the benefit of the citizens of the County and elected officials of municipalities work for the benefit of the citizens of their respective municipalities. County Commissioners and elected municipal officials shall not receive any personal economic or financial benefit resulting from their service on their local governing bodies beyond legally authorized direct compensation. It is the responsibility of each County Commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their services, and to avoid even the appearance or perception of impropriety.

(b) *Definitions.* For purposes of this Elected Official Code of Ethics:

(1) "*Contractor*" means any person or entity currently under contract with the applicable local governmental entity.

(2) "*Covered Individual*" means (i) any member of the Board of County Commissioners; (ii) any member of a governing body of any municipality within Broward County; and (iii) any municipal mayor. For purposes of the prohibition on lobbying under section (c)(2) below, "Covered Individual" also includes (i) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; (ii) any individual directly appointed to a County or municipal employment position by the Board of County Commissioners, by a governing body of any municipality within Broward County, or by a municipal mayor; (iii) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (iv) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County or municipal procurement; (v) any employee, any official, or any member of a committee of Broward County or of any municipality within Broward County that has authority to make a final decision regarding a public procurement; (vi) the head of any department, division, or office of Broward County or of any municipal government who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority; and (vii) members of other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.

(3) "*Elected Official*" means any member of the Board of County Commissioners and any Municipal Official as defined below.

(4) "*Filed for Public Inspection*" means either (a) that the form is completed legibly and is filed with the applicable governmental entity's chief administrative official or clerk, with a copy of the form or all information contained thereon subsequently inputted into the applicable governmental entity's database, which database shall be searchable by internet; or (b) all required information, including an input date and electronic signature, is directly inputted into the database, which database is searchable by internet. For any municipality that does not maintain a website sufficient to meet the requirements of this paragraph, the form or information may be inputted into a database maintained by the Broward League of Cities, provided that database is searchable by internet.

(5) "*Final Decision-Making Authority*" means (i) the Board of County Commissioners; (ii) the governing body of any municipality within Broward County; (iii) municipal mayors; (iv) final decision-making bodies under the jurisdiction of the Board of County Commissioners or under the jurisdiction of the governing body of any municipality within Broward County; and (v) any employee, official, or committee of Broward County or of any municipality within Broward County that has authority to make a final decision to select a vendor or provider in connection with a public procurement. For purposes of the prohibition of lobbying under section (c)(2) below, "Final Decision-Making Authority" also includes other local governmental entities within Broward County, including taxing authorities, quasi-judicial boards, appointed boards, and commissions.

- (6) "*Immediate Family Member*" means a parent, spouse, child, sibling, or registered domestic partner.
- (7) "*Lobby*," "*Lobbying*," or "*Lobbying Activities*" means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. "Lobbying" does not include communications:
- a. Made on the record at a duly-noticed public meeting or hearing; or
 - b. From an attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.
- (8) "*Lobbyist*" means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:
- a. An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;
 - b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;
 - c. Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
 - d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.
- (9) "*Municipal Official*" means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County.
- (10) "*Outside or Concurrent Employment*" means providing services for any person or entity, other than the Elected Official's governmental employer, in exchange for remuneration. For purposes of disclosing outside or concurrent employment and remuneration therefrom, the Elected Official's employer is the person or entity that pays the salary, wages, or other compensation, not the individual clients or customers of that person or entity.
- (11) "*Relative*" shall have the meaning stated in Section 112.3135, Florida Statutes.
- (12) "*Remuneration*" means the monetary payment received in return for services provided in connection with outside or concurrent employment, including salary, wages, commissions, tips, and bonuses (collectively, "wages"). "Remuneration" also includes (a) profit and other distributions received from a person or entity that has paid wages during the applicable disclosure period; and (b) direct employer contributions into retirement plans (including pensions, 401K, and deferred compensation plans). Notwithstanding anything to the contrary stated above, remuneration does not include gifts, business expense reimbursements, paid training (including travel incident thereto), direct employer contributions toward insurance and other employee benefits (other than retirement plan contributions), and return of capital or payment of interest related to a return of one's capital contribution.
- (13) "*Vendor*" means a person or entity that is currently supplying any goods or services to the applicable local governmental entity, that has supplied any goods or services to the applicable local governmental entity within the current or prior two (2) calendar years, or that has, by submitting a response to a currently-open competitive

solicitation, expressed an interest in supplying any goods or services to the applicable governmental entity. Commencing January 1, 2017, "Vendor" shall also include a person or entity that submitted a response to a competitive solicitation during the current or prior two (2) calendar years.

All operative words or terms used in this Elected Official Code of Ethics but not defined herein shall be as defined, in order of priority in the event of inconsistency, by Part III of Chapter 112, Florida Statutes, the Broward County Code of Ordinances, and the Broward County Administrative Code.

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

(1) *Acceptance of Gifts.*

- a. No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept any gift, directly or indirectly, with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, or any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County.
- b. Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a maximum value of \$50.00 per occurrence. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*. A governmental entity giving a gift to its own Elected Official shall not be considered a gift from an "other source" for purposes of the \$50.00 limitation.
- c. The \$50.00 limitation does not apply to gifts given to Elected Officials in their personal (nonofficial) capacity. Such gifts are still subject to the reporting requirements of Section 112.3148, Florida Statutes.
- d. Notwithstanding the foregoing, to the extent not prohibited by Florida law and subject to the reporting requirements of Section 112.3148, Florida Statutes, nothing in this section shall prohibit Elected Officials from participating in any public service announcement.
- e. When not otherwise permitted by this part (c)(1), "Acceptance of Gifts," the following items may be accepted to the full extent permissible under state law:
 1. Items customarily given to express condolences or sympathy, such as flowers, food items, or cards, given to an Elected Official in connection with the death or significant injury or illness of the Elected Official or an immediate family member of the Elected Official;
 2. Training, including the payment or reimbursement of expenses incurred in connection therewith, provided the training relates to the Elected Official's public service. The receipt of such training is deemed to directly benefit the public on whose behalf the Elected Official serves;
 3. Nonalcoholic beverages; and
 4. Admission tickets to charitable events available to the public, provided that any Elected Official or governmental office staff of the Elected Official who receives such tickets shall:
 - a. Within fifteen (15) days after receiving such tickets, files for public inspection a disclosure form stating

the name of the donor, the value of the tickets received, and the date and location of the event; and

- b. Within thirty (30) days after the event, reimburses the donor for the value of the food and beverages consumed by the person(s) using the tickets.

(2) *Outside/Concurrent Employment.*

- a. Notwithstanding anything to the contrary in this Section 1-19, the lobbying prohibitions applicable to Elected Officials shall be the same as under Article II, Section 8 of the Florida Constitution and Sections 112.3121 and 112.3122, Florida Statutes, inclusive of all applicable definitions set forth therein, as amended.
- b. Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes. All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Office of the County Attorney, which form shall provide the option of disclosing an exact remuneration amount or one (1) of the following amount ranges: Under \$1,000; \$1,001—\$5,000; \$5,001—\$10,000; \$10,001—\$25,000; \$25,001—\$50,000; \$50,000—\$100,000; Over \$100,000. Remuneration in the form of direct employer contributions into retirement plans may be disclosed in the reported exact remuneration amount or by checking the box on the applicable form indicating that such remuneration has been received. The disclosure of remuneration from outside or concurrent employment, if any, shall be done quarterly by County Commissioners and annually by Municipal Officials. The required disclosure form must be filed for public inspection within thirty (30) days after the end of each calendar quarter for County Commissioners, and, for Municipal Officials, must be filed by July 1 of the year after the calendar year in which the outside or concurrent employment occurred.
- c. No County or municipal office staff of an Elected Official shall lobby any covered individual or conduct business as a vendor or contractor with the local governmental entity served by the Elected Official.
- d. An immediate family member of an Elected Official may not lobby a covered individual if doing so is prohibited by state law. If an Elected Official has knowledge that an immediate family member is lobbying a covered individual, the Elected Official must file a disclosure, available for public inspection, within fifteen (15) days after the lobbying activity takes place. There is a rebuttable presumption that an Elected Official has knowledge of the lobbying activity if: (i) the Elected Official shares a primary residence with the immediate family member; (ii) the immediate family member is listed as a dependent on the Elected Official's most recently filed federal tax return; or (iii) the Elected Official is listed as a dependent on the immediate family member's most recently filed federal tax return. This disclosure must state the relationship between the Elected Official and the immediate family member, and must provide all information set forth in Section 1-19(c)(3)b. of the Broward County Code of Ordinances. Any conduct in violation of this paragraph shall be deemed to provide a prohibited financial benefit to the Elected Official.
- e. No immediate family member of an Elected Official shall conduct business as a vendor or contractor with the local governmental entity served by the Elected Official unless such activity is permissible under state law and the Elected Official attests in writing, on a form filed for public inspection within fifteen (15) days after such attestation, that (i) such immediate family member and the Elected Official do not share a primary residence, (ii) the immediate family member is not listed as a dependent on the Elected Official's most recently filed federal tax return, and (iii) the Elected Official is not listed as a dependent on the immediate family member's most recently filed federal tax return. Any conduct of business as a vendor or contractor in violation of this paragraph shall be deemed to provide a prohibited financial benefit to the Elected Official.

(3) *Lobbyists.*

- a. Elected Officials should avoid even the appearance of impropriety in their interaction and dealings with

lobbyists registered under their local governmental entity's lobbyist registration system and with the principals or employers of such lobbyists.

- b. The changes to this section (c)(3) shall take effect April 1, 2016. To promote full and complete transparency, lobbyists who lobby an Elected Official must, contemporaneously with the lobbying activity or as soon thereafter as is practicable (but in any event within three (3) business days after the lobbying activity occurs), legibly complete a contact log which contains the following information:
 1. The lobbyist's name;
 2. The name of the entity by which the lobbyist is employed;
 3. The name of the person or entity for whom or which the lobbyist is lobbying;
 4. The name of each Elected Official lobbied by the lobbyist;
 5. The name of each person attending or participating in any portion of the meeting or communication during which the lobbying activity occurred;
 6. The date and time of the meeting or other communication during which the lobbying activity occurred;
 7. The location of the meeting and mode of communication, as applicable (e.g., in person, by telephone, by email exchange); and
 8. The specific subject matter discussed in such meeting or communication.
- c. The obligation to complete the contact log referenced in paragraph (b) above applies regardless of the location of the lobbying activity and applies whether the activity occurs in person, by telephone, by electronic communication, by video conference, or in writing.
- d. The contact log referenced in paragraph (b) above shall be filed for public inspection.
- e. By April 1, 2016, the County and each municipality covered by this code shall create and maintain an online contact log system accessible by registered lobbyists. In lieu of creating and maintaining its own online contact log system, any municipality may utilize any such system maintained by the Broward League of Cities, provided such municipality provides a link to such system on the municipality's website. For any municipality that fails to create an online contact log system by April 1, 2016, or fails to maintain the system thereafter, and further fails to use, by April 1, 2016, any such system maintained by the Broward League of Cities, any lobbyist disclosure required by this section (c)(3) shall be required to be filed by the lobbied Elected Official.

(4) *Honest Services.*

- a. An Elected Official may not engage in a scheme or artifice to deprive another of the material intangible right of honest services or any activity in contravention of his or her duty to provide loyal service and honest governance for the residents of the governmental entity that he or she serves.
- b. This section shall be construed, to the extent possible, in accordance with the standards and intent set forth under 18 U.S.C. § 1346, as may be amended, and Chapter 838, Florida Statutes.

(5) *Solicitation and Receipt of Contributions.*

- a. Charitable Solicitation.
 1. An Elected Official may, in his or her private capacity, solicit funds, goods, or services on behalf of any charitable organization, nonprofit entity, or individual ("Private Charitable Solicitation"), provided that the Elected Official complies with any applicable state or federal laws, does not represent or imply to anyone that the charitable solicitation is on behalf of or has been approved or endorsed by the Elected Official's governmental entity, does not use any staff or resources of his or her governmental entity, and further

provided that the Elected Official discloses the Private Charitable Solicitation in the manner set forth in subsection 5.c below for Official Charitable Solicitation. This Code does not impose any further restrictions on Private Charitable Solicitation.

2. When acting in an official capacity, an Elected Official may solicit funds, goods, or services for charitable causes, individuals in need (as determined by the Elected Official), or educational or humanitarian nonprofit entities that meet the Internal Revenue Code's criteria for charitable organizations ("Official Charitable Solicitation"), so long as there is no quid pro quo or other special consideration, including any direct or indirect exchange of benefits between the parties to the Official Charitable Solicitation.
3. The following do not constitute either Official Charitable Solicitation or Private Charitable Solicitation:
 - a. Postings on social media pages where the page does not have as its primary purpose the promotion of charitable causes or events, provided that such postings do not tag specific individuals or entities in order to call their attention to the postings, and irrespective of whether the postings are boost postings or promoted postings;
 - b. E-mail correspondence directed at groups of fifty (50) or more individuals referencing charitable causes or events;
 - c. GoFundMe[®] or similar online fundraising campaigns;
 - d. Newsletters referencing a charitable cause or event where the primary purpose of the newsletters is not to promote charitable causes or events; or
 - e. Provided that no specific, identifiable individuals are targeted, statements at publicly noticed meetings of the Elected Official's governmental entity that merely reference charitable causes or events, or that ask for participation in, support of, or contributions to charitable causes or events.
4. Except where otherwise required by law, and as otherwise qualified below, an Elected Official may use staff directly assigned to the Elected Official and may use his or her governmental entity's e-mail and telephone systems and other resources that do not require the affirmative expenditure of public funds (collectively, "in-kind resources") when engaging in Official Charitable Solicitation, provided the use of such resources does not violate any other provision of applicable law. Approval by the Elected Official's governmental entity is required only where the Official Charitable Solicitation involves the affirmative expenditure of public funds through the use of resources other than in-kind resources or where the Elected Official seeks to use staff other than directly assigned staff; however, an Elected Official may choose to seek formal approval of the charitable solicitation from his or her governmental entity even where only directly assigned staff and in-kind resources are used in connection with the charitable solicitation.
5. Except where the charitable solicitation is formally approved by the Elected Official's governmental entity:
 - a. Neither the Elected Official nor his or her directly assigned staff may represent or imply to anyone that the charitable solicitation is on behalf of or has been approved or endorsed by the Elected Official's governmental entity;
 - b. An Elected Official may not use any staff or resources of the governmental entity when engaging in Official Charitable Solicitation if the Elected Official is specifically soliciting from identifiable, private individuals or for-profit entities, unless the Elected Official has first obtained a written statement from the governmental entity's legal counsel that the charitable solicitation comports to applicable law, which statement must include a determination that the charitable solicitation serves a public purpose; and

event, including campaign fundraising events, provided the Elected Official does not ask others to make any financial contribution to the candidate's campaign and further provided the Elected Official does not receive any campaign contributions for subsequent delivery to the candidate.

4. Elected Officials must not use any staff or other resources of their governmental entities in the solicitation or receipt of campaign contributions.
 5. Campaign or political contributions may not be made, solicited, or accepted in any government-owned building.
- c. The Board of County Commissioners shall be prohibited from waiving the provisions of Section 18.63 of the Broward County Administrative Code as it pertains to the County's acceptance of donations.

(6) Procurement Selection Committees.

- a. It shall be a conflict of interest for any Elected Official to serve as a voting member of a Selection/Evaluation Committee in connection with any prospective procurement by the Elected Official's governmental entity. Elected Officials shall not be included as members on any Selection/Evaluation Committee and shall not participate or interfere in any manner at Committee meetings or in the selection of Committee members, which members shall be appointed by the County Administrator or appropriate municipal staff, as relevant. Upon the completion of the selection process by the Committee, Elected Officials may inquire into any and all aspects of the selection process and express any concerns they may have to their Purchasing Director or, where applicable, other employee with responsibility to oversee the procurement process.
- b. The prohibitions stated in the preceding paragraph shall not apply to:
 1. Strong mayors with a charter-prescribed strong mayor form of government or to Elected Officials who, under their charter, are required to participate in the procurement process in a manner that would be inconsistent with such prohibitions;
 2. The hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body; or
 3. Elected Officials serving on a Selection/Evaluation Committee established pursuant to Section 218.391, Florida Statutes.
- c. Where an Elected Official is prohibited from serving on a Selection/Evaluation Committee under this section, the Elected Official may attend any Selection/Evaluation Committee meeting provided the Elected Official does not actively participate or otherwise interfere in the meeting.

(7) Financial Disclosure.

- a. Each County Commissioner, contemporaneously with the annual filing of the Form 6 Disclosure of Financial Interest with the State of Florida Commission on Ethics, shall file such form for public inspection. Each Municipal Official, contemporaneously with the annual filing of the Form 1 Statement of Financial Interests with the Broward County Supervisor of Elections, shall file such form for public inspection. Where such disclosure forms are inputted into a separately maintained searchable-by-internet public database, the "filed for public inspection" requirement shall be deemed met by providing a link to that separate database on the governmental website on which the other disclosure forms filed by Elected Officials of that governmental entity may be accessed.

(8) Advisory Opinions.

- a. Any Elected Official may request an advisory opinion about how the Broward County Elected Official Code of Ethics applies to his or her own situation. Requests for opinions from County Commissioners shall be made to the Broward County Attorney or to the County Attorney's designee. Requests for opinions from Municipal

Officials shall be made to the municipality's chief attorney or to that attorney's designee. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion, and such facts shall be recited in the issued opinion. If at any time after receipt of a request, the advising attorney believes that additional information is needed, the Elected Official requesting the opinion shall furnish such additional information promptly upon request from the advising attorney.

- b. Until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for the advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's action may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements.
- c. The Elected Official shall ensure that, within fifteen (15) days after he or she receives an advisory opinion, the opinion is sent in searchable "pdf" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions to be maintained by the County.

(d) *Training and Education.*

- (1) **Newly Elected Officials Training Requirement.** In addition to meeting the annual training requirement referenced in paragraph (d)(2) below, Newly Elected Officials shall, between election and one hundred twenty (120) days after taking office, receive a minimum of four (4) hours of training from their governmental entity's attorney (or as directed by that attorney) which addresses ethics topics including Section 8, Article II, of the Florida Constitution, the state's Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes), Florida's public records and public meetings laws, and the ethical standards imposed by the Board pursuant to its authority under Section 112.326, Florida Statutes. Each Newly Elected Official shall certify his or her participation in this training in a form filed for public inspection within fifteen (15) days after the completion of such training or within fifteen (15) days after taking office, whichever is later. At least two (2) hours of this training shall be received in an interactive setting (group or individual). Additional training for Newly Elected Officials offered by the Florida Association of Counties or the Florida League of Cities is strongly encouraged. For purposes of this paragraph, Newly Elected Officials are those Elected Officials who did not occupy an office that was subject to this code at any time within the one-year period prior to their current election to office.
- (2) **Annual Training Requirement.** Each Elected Official shall, on an annual basis, attend or participate in a minimum of four (4) hours of continuing education training which addresses ethics topics including Section 8, Article II, of the Florida Constitution, the state's Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes), Florida's public records and public meetings laws, and the ethical standards imposed by the Board pursuant to its authority under Section 112.326, Florida Statutes. Training programs may be available through regional universities, municipal or local government organizations, or through state or regional Bar associations. Commencing January 1, 2017, the four (4) hour annual training requirement shall be met on a calendar-year basis, and at least two (2) hours of annual training during each calendar year shall be received in an interactive setting (group or individual). Each Elected Official shall annually certify that he or she has met this requirement in a form filed for public inspection within thirty (30) days after the end of each calendar year. To facilitate the transition to a calendar-year cycle, Elected Officials shall be deemed to have met the annual training requirement for their term year which commenced in 2016 if they received, during calendar year 2016, at least four (4) hours of ethics training on the topics of Sunshine Law, public records, and public service ethics, with at least two (2) hours of that training occurring in an individual or group interactive setting.

(3) The certifications referenced in this section (d) shall provide the date of each training session, the number of hours during each session, and the mode of each session (i.e., live individual training, live group training, online training, or watching/listening to recorded materials).

(Ord. No. 2010-22, § 1, 8-10-10; Ord. No. 2011-19, § 1, 10-11-11; Ord. No. 2015-55, § 1, 12-8-15; Ord. No. 2017-01, § 1, 1-10-17; Ord. No. 2018-14, § 1, 3-20-18; Ord. No. 2020-20, § 1, 5-5-20; Ord. No. 2020-28, § 1, 8-25-20; Ord. No. 2021-47, § 1, 10-5-21; Ord. No. 2022-50, § 1, 12-6-22, eff. 12-31-22)